

Forum:	Environmental Commission (EC)
Issue:	Promoting the Environmental Rights Initiative as a tool to connect environmental and human rights
Student Officer:	Evi Vossou
Position:	Deputy President

PERSONAL INTRODUCTION

Dear delegates of the environmental committee,

It is my honor to welcome you to the 11th Platon School Model United Nations Environmental Committee. Firstly, I would like to congratulate you on your decision to enter the intriguing world of Model UN. Not only will you become a more engaged global citizen, but you will also improve your communication and public speaking skills, as well as form meaningful and important friendships and relationships. Having the chance to carefully analyze and discuss four of today's most significant and intriguing topics will undoubtedly be a useful experience for every one of you. Especially for topic 4, you will learn about the essentiality of environmental rights in the 21st century, and how important it is to connect them with basic human rights.

My name is Evi Vossou and I have the utmost honor of serving as the deputy president of the environmental committee of the 11th Platon School Model United Nations. I am an IB 1 student at Costeas Geitonas School of Athens. I first joined MUN one year ago and only a few conferences later I came to realize its immense value and its impact on young people. MUN provides students with the opportunity to be involved with issues of great importance, and being a part of their solution. I hope that this PSMUN conference will offer you a great new experience, through which you will learn new things and have fun.

Finally, I would like to inform you that you can contact me anytime if you face any difficulties. Please do not hesitate to ask any questions or help through my email address at evi.vossou.2005@gmail.com.

Kind regards,

Evi

TOPIC INTRODUCTION

Throughout history, and even now, multiple agents such as governments, businesses, and large corporations have violated and continue to violate environmental rights and human rights. Violations of environmental rights, which are an extension of human rights, have severe consequences for both the environment and its people. Environmental rights are vital in today's world for mitigating the consequences of climate change and other environmental challenges. It is crucial for people to realize that environmental rights are the basic human right to live in a clean and sustainable environment, and that they must be safeguarded in the same way that any other human right is. The promotion of the Environmental Rights Initiative is a way for strengthening environmental rights while not interfering with, or abusing human rights.

Nowadays, especially with climate change at its pinnacle, environmental protection is critical, so as to ensure that environmental rights are upheld, in order to accomplish protection. Unfortunately, their violation occurs on a regular basis with no repercussions, which is why the initiative is necessary. The initiative has set some valuable objectives which are to design and implement policy and legal frameworks that effectively and inclusively safeguard environmental rights. Furthermore, this initiative aims to engage companies in assisting them to have a better understanding of their environmental rights duties, and to give advice on how to transit from a compliant culture, to one that promotes environmental rights. Moreover, to support civil society organizations and vulnerable communities, in their efforts to gain access to information on their environmental rights and to cast a light on abuses of those rights. By collaborating with the media in teaching journalists on environmental rights and environmental defenders, will undoubtedly contribute to the preservation of environmental and human rights and minimize the impact of climate change upon the ecosystem as well as people's everyday lives.

DEFINITION OF KEY TERMS

Environmental Rights Initiative

The Environmental Rights Initiative is an initiative that marks the next stage in the UN Environment's work on human rights and the environment and that aims in bringing environmental protection closer to the people by aiding state and non-state actors in their efforts to Promote, Protect, and Respect Environmental Rights ¹.

¹ Environment, UN. "What Is the Environmental Rights Initiative?" *UNEP*, <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what-1>.

Human Right

Rights considered as essentially belonging to all people. ²

Environmental Rights

Environmental rights involve access to undisturbed natural resources necessary for living, such as land, shelter, food, water, and air and they include more simply ecological rights, such as the right of a certain beetle to live or the right of a person to appreciate a pristine landscape. They also refer to any proclamation of a human right to certain environmental circumstances and they are classified into two categories, the substantive rights and the procedural rights. ³

Substantive Rights

Substantive rights are the fundamental rights in which the environment has a direct impact on the right's existence or enjoyment. ⁴

Procedural Rights

Procedural rights specify the procedures to be followed in imposing legal rights and they are the tools used to achieve substantive rights. ⁵

Clean Water Act

Creates the fundamental structure for controlling pollution releases into US waterways and managing surface water quality requirements. ⁶

Environmental Violation

When an activity or an existing condition does not comply with environmental law or regulation. ⁷

² "Dictionary by Merriam-Webster: America's Most-Trusted Online Dictionary." *Merriam-Webster*, Merriam-Webster, <https://www.merriam-webster.com/>.

³ ". Encyclopedia of Science, Technology, and Ethics. . Encyclopedia.com. 24 Nov. 2021 ." *Encyclopedia.com*, Encyclopedia.com, 19 Dec. 2021, <https://www.encyclopedia.com/science/encyclopedias-almanacs-transcripts-and-maps/environmental-rights>.

⁴ "Substantive Right Definition & Meaning." *Merriam-Webster*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/substantive%20right>.

⁵ "Substantive Due Process." *Ballotpedia*, https://ballotpedia.org/Substantive_due_process.

⁶ EPA, Environmental Protection Agency, <https://www.epa.gov/laws-regulations/summary-clean-water-act>.

⁷ "Environmental Violation." *Findlaw*, <https://corporate.findlaw.com/law-library/environmental-violation.html>.

International Environmental Law

International environmental law is a set of agreements and concepts that represent the world's collective effort to manage our transition to the Anthropocene by addressing our most critical environmental issues, such as climate change, ozone depletion, and species extinction⁸

BACKGROUND INFORMATION

History of environmental rights and their importance to limiting environmental problems

In recent history, environmental rights are continuously violated and this is of course is one of the main reasons, if not the dominant reason for the existence of climate change and other environmental problems, and it is also why climate change continues to exist. As mentioned above, environmental rights, are an extension of the fundamental human rights that humanity demands and deserves. In addition to having the right to food, clean water, appropriate shelter, and education, having a safe and sustainable environment is critical since all other rights rely on it. There was minimal environmental consciousness prior to the 1960s, and just a few scattered worldwide environmental regulation projects. The unsuccessful London Convention of 1900, which tried to safeguard African wildlife, was one of these. It never entered into force since the required number of parties did not sign it. It was supplanted 33 years later by the London Convention of 1933, which was implemented in most of colonial Africa through the establishment of natural parks and the preservation of species. Other efforts were carried out in solitude throughout those years. However, things began to change in the 1960s, when the people became aware of the threats affecting the globe. To continue, the Stockholm Declaration (1972), a result of the inaugural United Nations Conference on the Human Environment, was the first international document to acknowledge the right to a healthy environment via 26 principles, many of which have played an essential role in the future development of International environmental law (IEL). Principle 21, for instance, reaffirmed one of the pillars of IEL: stating the obligation of guaranteeing that activities under their control do not harm the environment of neighboring states. The Declaration also created the Principle of Cooperation, which is critical in the ongoing growth of IEL, by recognizing that countries must work together to tackle the global issues of our common environment. Also in Stockholm, the United Nations General Assembly established the United Nations Environment Programme (UNEP), which is still the primary

⁸ *Americanbar.org*, https://www.americanbar.org/groups/public_education/publications/insights-on-law-and-society/volume-19/insights-vol--19---issue-1/international-environmental-law/.

organization in charge of environmental issues today. Following Stockholm, national governments began to change: the first green political parties were established, several Ministries of Environment were formed, and a substantial amount of local environmental legislation began to be drafted. After many years, the importance of linking human and environmental rights was acknowledged with the Kyoto Protocol. The Kyoto Protocol on Climate Change was superseded by the Paris Agreement (2016). In this agreement, the signing countries promised to do all necessary to keep the global average temperature from increasing by 2°C, over pre-industrial levels, and ideally to stay below a 1.5°C rise. The preamble recognized the link between human rights and climate change. With practically every country in the world having ratified it, it has enormous potential as an instrument of international law. Nevertheless, despite the efforts to establish a legal framework to support environmental rights and their importance in combating environmental issues, there are many examples that environmental rights have not been respected in the past.

Human rights and its importance

Human rights have always been of immense importance; without them, many basic principles of human life like fairness, dignity, equality, freedom and respect would have been violated. Hence, establishing a framework through which these principles cannot be overthrown, it is of course crucial because these rights allow people to speak up and protest against poor treatment by a public authority. Nevertheless, human rights have always been violated and they still do. Cases of violations of human rights are racial inequalities, the freedom that the LBGTQ community does not have, the disrespect towards immigrants and other members of the societies and many more. Despite all these violations which mostly involve the humanitarian aspect, it is important to note that human rights are also abused when it comes to environmental problems and climate change. Among others, human rights are also considered, rights to life, health, food, water and sanitation, and it is obvious that without a clean environment, these rights will be violated and if these rights are not respected, then the well-being of people will be at risk because of bad environmental conditions. Thus, it is essential to realize the interconnection between human rights and also the environment.

Causes of environmental rights violations

As previously said, there have been several instances when environmental rights have been violated by various factors for numerous reasons. One of the reasons that environmental rights are continually violated is a lack of environmental regulations in some countries. It is well understood that humans have the right to live in a healthy environment free of pollution and other environmental issues. Nonetheless, if there is no legal structure to sustain, in some ways, environmental rights, they will continue to be violated, since there are no repercussions to prevent them from doing so. Some countries that lack regulations regarding the environment and more specifically, environmental democracy laws, are Haiti, Malaysia and Namibia. Another reason is

the incapability to enforce environmental laws and this is mainly due to the government. To begin with, one of the factors that block the implementation of environmental laws is the poor coordination between the government and the legislative body. These two bodies require perfect cooperation to impose the right laws. Another factor, is the lack of institutional capacity which is the ability of an institution to define and accomplish social and economic goals. Nowadays, some institutions and organizations or even the government, fail to realize the importance of limiting environmental issues and prioritizing it as a goal, so no laws are enforced in accordance with it. In addition, lack of access to information and the marginalization of the involvement of the citizens are the primary causes for incapability of the imposition of environmental laws. Again, because there are no environmental laws, different agents can violate environmental rights because they will not face any punishment. Finally, until implementation and enforcement are enhanced, even the most stringent standards are certain to fail, and the fundamental human right to a healthy environment would go unmet.

Effects of environmental rights violations

Environmental rights were founded as a way to protect the human right of an individual to live in a healthy and sustainable environment. Hence, these rights provide in a way protection against those who compromise the ability of an individual to live in a clean environment and not have to deal with environmental problems. At this point, it is critical to mention the effects that the abuse of environmental rights will have to both the environment and humans. First and foremost, if environmental rights are violated this means that either an individual or a corporation will in a way contribute to the destruction of the environment. An example of this is when a corporation is emitting greenhouse gasses in the atmosphere. If this is happening then, since the firm will pollute the environment it will remove the right of citizens to live in a clean atmosphere and environment. Thus, when some agents violate environmental rights of humans by destroying the environment, they affect both humans and the environment. From a social standpoint, pollution and other environmental issues can create numerous problems for humans. Firstly, they can create environmental-related illnesses such as cancer, asthma and heart diseases etc. Secondly, it will have severe consequences on factors that directly affect human life such as food, temperature, population density, sound and light. Finally, from an environmental standpoint, it will worsen the already-existing environmental problems.

Cases Of Violation of human and environmental rights

1st case

IPC ran a manufacturing unit in Wilmington from 1992 to 2012 that processed discarded oil and hydrocarbon-containing waste water and then sold the reclaimed petroleum to various industries for reuse. IPC acknowledged tampering with monthly test samples needed by CWA to evaluate compliance with permit requirements before discharging into a city-owned sewer. IPC also

confessed that it transported hazardous material for disposal in South Carolina without the requisite manifest in June and July 2012, in violation of the Resource Recovery and Conservation Act. This material comprising IPC, also confessed that it transported hazardous material for disposal in South Carolina without the requisite manifest in June and July 2012, in violation of the Resource Recovery and Conservation Act. This material comprised benzene, barium, chromium, cadmium, lead, tetrachloroethene (also known as PCE), and trichloroethene quantities (also known as TCE) which posed risks both on the health of an individual but also to the environment. The International Petroleum Corporation of Delaware (IPC) was sentenced on February 2, 2017, for the violation of the Clean Water Act, as it had jeopardized the chemical integrity of the nation's water.

2nd case

On August 18, 2014, Duke Energy spilled over 9,000 gallons of diesel fuel into the Ohio River from its producing site near New Richmond, Ohio. The oil slick on the river spread for roughly 15 miles, necessitating the shutdown of water supply intakes in Northern Kentucky, Greater Cincinnati, and Louisville. On November 22, 2016, Duke Energy Beckjord, LLC officials pleaded guilty to careless discharge of oil in violation of the Clean Water Act. This accident negatively impacted many people, as the residents of both Kentucky and Ohio rely on the Ohio River for drinking water. Thus, the spill of diesel fuel indeed violated the human right to water and sanitation, which was officially recognized on 28 July 2012, through Resolution 64/292 and also the environmental substantive right to have access to clean water without compromising their health. However, Duke Energy compensated more than \$1.2 million to 35 government and private-sector groups for spill-related emergency response and clean-up expenditures. Duke has also dismantled the bulk fuel oil storage tanks implicated in the leak and no longer stocks bulk fuel oil at its facilities, but these actions meant very little to limiting the consequences of the incident.

3rd case

Bayer Group is a German chemical business based in Leverkusen. Human and veterinary medications, consumer healthcare supplies, agricultural chemicals, seeds, and biotechnology products are all part of its business. Bayer Group became the world's largest pesticide and genetically modified seed manufacturer after purchasing agrochemical giant Monsanto for US\$66 billion in 2018. Pesticides harm thousands of individuals in Brazil's rural communities each year. The great majority of Brazil's 900,000 indigenous people from 305 distinct ethnic groups live in these locations. There have been at least 11,000 quilombos in Brazil, an indigenous community of enslaved African heritage, many of whom are directly exposed to Bayer's insecticides. Annually, countless of Brazilian farm workers and residents of rural towns become ill or died as a result of exposure to highly hazardous pesticides. The hazardous spraying of

agrochemicals has a significant impact on Brazilian biodiversity and animals. Bayer profits from Brazil's lenient pesticide restrictions and contributes to lobbying attempts in approving pesticides that are hazardous to people and the environment.

These incidents demonstrate how corporations consistently disregard the significance of environmental rules and continue to violate them. They are unaware that their acts have a direct influence on humans and the environment. The aforementioned examples also highlight the importance of well-established and explicit environmental rights, even within a legal framework, in order to avoid exploitation.

The growth of the importance of environmental rights due to climate change and the emergence of the Environmental Rights Initiative

Climate change has increased the significance of environmental rights. People are beginning to deal with a growing number of serious environmental challenges as a result of climate change. Pollution, global warming, deforestation, and public health challenges are just a few of them, all of which can have a direct or indirect influence on humanity. Environmental rights are more important than ever before in order to mitigate the impact of the aforementioned problems on individuals to the greatest degree possible. Due to the numerous harmful effects that some actions of some agents had on the environment, it was essential for something to come up in order to limit and prevent these actions. For this reason, environmental rights have emerged and they have grown very rapidly. Nowadays, environmental rights have risen faster than any other human right and are inscribed in more than 100 national constitutions and courts. At least 44 nations have issued judgements upholding the constitutional right to a healthy environment. Nevertheless, according to Global Witness, around four environmental defenders are murdered each week, with the true number likely being higher. Many more are being harassed, intimidated, and evicted from their homes. In 2017, indigenous and local groups were responsible for 40-50 percent of the 197 environmental defenders were slain. Between 2002 and 2013, 908 persons were killed while safeguarding the environment and land in 35 nations. Furthermore, several nations restricted the activity of nonprofit groups (NGOs). Between 1993 and 2016, for example, 48 nations introduced legislation restricting the operations of local NGOs receiving foreign financing, whereas 63 countries enacted legislation restricting the activities of international NGOs.

Year	Countries with the constitutionally protected right to a healthy environment	Countries with constitutional provisions for a healthy environment
2017	Algeria, Andorra, Angola, Argentina, Armenia, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Greece, Guinea, Honduras, Hungary, Indonesia, Iraq, Jamaica, Kenya, Kyrgyzstan, Latvia, Maldives, Mali, Mauritania, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Nepal, Nicaragua, Niger, Norway, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Russia, Rwanda, Sao Tome and Principe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Spain, Sudan, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, Venezuela, Viet Nam	Afghanistan, Albania, Australia, Austria, Bahrain, Bangladesh, Belize, Bhutan, Cambodia, China, Croatia, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Estonia, Eswatini, Gambia, Germany, Ghana, Guatemala, Guyana, Haiti, India, Iran, Italy, Kazakhstan, Kuwait, Laos, Lesotho, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Micronesia, Myanmar, Namibia, Netherlands, Nigeria, Oman, Palau, Panama, Papua New Guinea, Poland, Qatar, San Marino, Sri Lanka, Suriname, Sweden, Switzerland, Syria, Tajikistan, Tanzania, Thailand, United Arab Emirates, Uruguay, Uzbekistan, Vanuatu, Yemen, Zambia

Figure 1: Country status upon the environmental rights ⁹

Despite the emergence of environmental rights, which was crucial in limiting climate change and other problems, the Environmental rights initiative also emerged, with the sole purpose of protecting the environment. On Tuesday, March 6th, 2018, the UN launched the Environmental Rights Initiative in Geneva. The Environmental Rights Initiative is considered to be the next step in the UN Environment's work on human rights and the environment and its aim is to bring environmental protection closer to people. The initiative will , by creating legal and policy guidance on environmental rights, strengthen its legal support to all actors in understanding and executing environmental rights duties, create the necessary informative and training resources, as well as opportunities, at the global, regional, and sub-regional levels to contribute to enhance understanding of growing environmental rights challenges among all parties, build and lead a wide coalition of partners to exchange information, pool resources and knowledge, and work together to protect environmental rights and lastly, contain and administer a collection of online information on environmental rights. The resource platform will feature an environmental rights database, information distribution indicating where and how to get legal help (including pro bono legal services), and training to collect and disseminate environmental legal knowledge and tools, notably on environmental rights. So far, the effects of this initiative have not been very impactful. However, it has strengthened access to environmental rights information, aided governments in meeting their environmental

⁹ Environment, UN. "What Are Your Environmental Rights?" *UNEP*, https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what-0?_ga=2.88035934.795232204.1639845307-203893557.1638571309.

duties, helped enterprises move beyond a compliance attitude, and given legal and technical assistance. In addition, it has enhanced environmental rights knowledge among those on the front lines of environmental protection and created resources for them and others to use, promoted the realization of rights and the fulfillment of environmental duties and improved its legal support to all parties in understanding the law. Nevertheless, what this initiative has not accomplished yet is to connect environmental and human rights. It is important to mention that unlike the human right to a healthy environment, which seeks to provide a human-centric recognition that humans are dependent on the environment and thus deserve a right to a healthy environment, the environmental rights recognize that environmental values have inherent rights that exist independently of any reliance we may have on them for our survival. Hence, the connection that should be made by the initiative, in order for this aim to be possible in the near future, environmental rights need to provide a human-centric recognition, meaning to acknowledge that these rights are essential for humans' survival. In this way, environmental rights will be more respected and less violated, which is critical for the protection of the environment.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

European Union

Despite the fact that decreased pollution has considerably improved the quality of Europe's air and water, soil function loss, land degradation, and climate change continue to be key problems that the European Union needs to face. The consequences of the aforementioned issues are predicted to worsen in the future, and the fundamental causes of biodiversity loss are expected to endure. Nevertheless, the European Union has made many attempts to mitigate the effects of environmental issues and take action in accordance with it. Climate policy in the EU directs regional and national efforts to reduce and adapt to climate change. This climate policy is based on the United Nations Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement. The EU's climate policy is centered on emissions trading, national objectives for sectors, not subject to carbon trading, and the EU Adaptation Strategy. In addition, the EU is an active participant in international climate discussions and the main financier of climate-related policies in poor nations. The EU has pledged to cut greenhouse gas emissions by 55% by 2030 compared to 1990 levels. This is also the EU's obligation to the UN Convention on Climate Change Secretariat under the Paris Agreement. Furthermore, the EU's goal is to become the first climate-neutral continent by 2050. As can be easily deduced, the European Union has made many attempts to mitigate the effects of climate change. Nevertheless, it hasn't attempted to impose legislation in regards to environmental rights. That is the reason why many companies are able to cause environmental problems that directly impact humans. If the EU passed a human rights and environmental legislation, companies would be required to ensure that environmental rights are respected. Additionally, even though

the European Union is an environmentally friendly union, yet lenient with its environmental policy, and contributes to limiting environmental problems, it has not yet taken any action in accordance with the aims that the Environmental Rights Initiative has and it has not properly managed to connect human rights with environmental rights.

African Union

Land degradation, deforestation, biodiversity loss, and acute susceptibility to climate change are among the significant environmental concerns confronting Africa. Generally, the countries of Africa belong to the part of the world that is experiencing environmental problems to the greatest extent. Despite the numerous problems that the continent of Africa is currently facing, the African Union is determined to mitigate the effects and raise people's standard of living. Taking this into consideration, African Union focuses on advancing Africa's Climate Change Agenda, including assistance for African climate change discussions at the global level, by facilitating effective coordination around the African Common Position on Climate Change and the development of an African Climate Change Strategy, increasing Member States' and RECs' access to near-real-time environmental, natural resource, and climate data for policy and decision-making, as well as planning process, by improving Africa's exploitation of earth observation technologies through the implementation of the Monitoring for Environment and Security in Africa (MESA) program, formerly known as the African Monitoring of the Environment for Sustainable Development (AMESD) Program. Operationalizing the Monitoring for Environment and Security in Africa (MESA) program (ClimDEV Africa), improving Member States' capacity to enhance their performance in carrying out their commitments and reaping the advantages of Multilateral Environmental Agreements (MEAs), attempting to implement the Great Green Wall for the Sahara and Sahel Initiative (GGWSSI), as attempts of mitigating land degradation and desertification, and lastly promoting the African Water and Sanitation Agenda via fulfillment of the Sharm El-Sheikh Commitments on Water and Sanitation and support for Water Basin activities¹⁰. Finally, despite the AU's efforts to alleviate the impact of environmental concerns, it has yet to take any action in accordance with the Environmental Rights Initiative, which may be the reason why African nations are unable to truly progress. Despite their importance, African countries have a long history of breaching environmental rights.

USA

During recent years, humans have wreaked havoc on natural resources and interjected themselves into atmospheric activity. The United States of America, being the world's third-largest country, has emerged as one of the most severely affected regions by environmental concerns and difficulties, which bring the immediate need for attention and solutions. Contaminated soil, air pollution, water pollution, water

¹⁰ "Sustainable Environment." *Sustainable Environment | African Union*, 19 Sept. 2020, <https://au.int/en/directorates/sustainable-environment>.

disposal and climate change are the major environmental issues that the country is currently facing. Numerous are the factors that are responsible for the causation of the abovementioned problems, including, as one of them, and perhaps the most crucial, the violation of environmental and human rights. In the US, it is quite common for large firms to violate environmental rights (1st, 2nd case in the background information). However, the government has established a strong environmental policy, which makes it difficult for different factors not to follow environmental and human rights. More specifically, the most effective pieces of environmental legislation are the Clean Air Act, the Montreal Protocol and the Clean Water Act, which prevent more air and water pollution and deplete the Ozone Layer. In fact, to understand how important these policies are in mitigating the effects on humans, skin cancer affects 1.5 million people in the United States, cancer claims the lives of 330,000 people, cataracts affect 129 million people worldwide. According to the Institute for Governance & Sustainable Development, the world is avoiding a count of human misery by following this pact. Even though the impact of the environmental legislation is massive, work needs to be done. There are still numerous violations of environmental and human rights by companies, which cannot be stopped or punished through legislation. Consequently, a crucial measure for the USA is to establish even more legislation that will restrict agents from harming the environment and the quality of life of humans. Another measure for the country is to finally recognize, in practical ways, the intent to actually implement laws, relating to the importance of environmental and human rights. Finally, the USA is, nevertheless, one of the many countries that have not acted on the Environmental Rights Initiative.

Japan

Japan's rapid development, some years ago, came with many environmental issues which now affect the Japanese society. The most severe are waste management, the effects of global warming, air pollution, the diminishing coral reef, radioactive waste from nuclear power plants and fishery. Despite the fact that Japan has become a cleaner and more eco-friendly country in recent decades, the country's corporate, agricultural, and industrial operations continue to contribute to a wide range of environmental challenges. Additionally, Japan has set many regulations and restrictions in order to limit the impact of the aforementioned issues. Some policies and regulations are the Basic Environment Law and the Basic Environment Plan, Air Pollution Control Act, Automobile NOx/PM Act, the Water Pollution Control Law and the Law concerning Special Measures for the Preservation of Lake Water Quality. In general, Japan has numerous laws and regulations and they are very strict, especially concerning air pollution, and they are all essential in combating these issues. Japan has no cases in which the environmental and human rights were directly violated. Nevertheless, Japan's air pollution is getting worse and worse. In fact, according to World Health Organization guidelines, Japan's air quality is deemed highly dangerous. The latest available statistics show that the country's annual mean PM2.5 concentration is 12 g/m³, which is higher than the recommended level of 10 g/m³. This actively demonstrates that the atmosphere that citizens of Japan live in is unsafe and

it might cause them health problems. Thus, considering these data, the environmental right of people to live in a healthy environment is violated and the human right is violated, even in an indirect way. In the case that environmental rights were supported from the legal framework, less violations would have taken place and the environmental issues, especially air and water pollution, would have been limited to a certain extent. Unfortunately, despite Japan's will to fight climate change, and all the legislation it tries to implement, Japan has not yet taken any measures in order to protect neither the environmental rights nor human rights. As far as the Environmental Rights Initiative is concerned, Japan is not acting in its accordance, something that does not favor the situation this country is in.

India

For India, environmental issues are a great challenge. Water, air and solid waste pollution, erosion of sands and greenhouse gas emissions are the issues India has to face. In fact, India is one of the world's largest emitters of carbon dioxide. The environment and the citizens have already suffered greatly as a result of the fast growth of industrialization and human needs. Fortunately, India's constitutional framework is able to recognize the need of environmental preservation and conservation, as well as the sustainable use of natural resources. Environmental regulations in India place a high value on maintaining an ecological balance in the environment by protecting the country's forests and animals. Some of the most important legislations that have been established to solve environmental issues are the National Green Tribunal Act, the Air (Prevention and Control of Pollution) Act, the Environmental Protection Law and the Hazardous waste management regulations. These measures are really effective in tackling the issue to some extent. In fact, India belongs to the small number of countries that have imposed a measure to enforce legal rights relating to the environment. To be more specific, the National Tribunal Act ensures the effective and timely resolution of matters involving forest conservation, environmental preservation, and the enforcement of any environmental legal right. In addition, the Act provides adequate compensation and relief for losses of individuals and property, as well as related problems. The Act contains relevant sections regarding the tribunal's jurisdiction, powers, and processes, as well as consequences for violations. As it seems, with this law not only environmental and human rights are backed by legislation, but those who violate them will deal with severe consequences. This definitely will discourage firms and large corporations from abusing human and environmental rights and this will lead to diminishing their violation. It is really helpful that India has, through this law, managed to connect the environment and human rights, and it is clearly contributing in mitigating the environmental issues. Nevertheless, one of the key causes of illness, health problems, and long-term livelihood impacts in India, is environmental challenges. This is an indication that more active and strict measures and policies need to be established regarding the environment. Lastly, in terms of the Environmental Rights Initiative, India is not exactly operating in line with it. However, the implementation of the National Green Tribunal Act is a good step towards it.

TIMELINE OF EVENTS

Date of Event	Description of event
5 th -16 th June 1972	UN Conference on the Human Environment
3 rd -14 th June 1992	United Nations Conference on Environment and Development
23 rd -27 th June 1997	General Assembly Special Session on the Environment
11 December 1997	Kyoto Protocol
25 June 1998	The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters
25 th - 27 th September 2015	UN Sustainable Development Summit for the adoption of the post-2015 development agenda
15th December 2015	Paris Agreement
4th March 2018	Escazú Agreement
3 rd December 2018	37th session of the UN Human Rights Council-Creation of ERI

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Throughout history, there were many attempts to connect environmental and human rights with the sole purpose of limiting the effects of climate change.

Aarhus Convention

The Aarhus Convention was one of them, which established a link between environmental and human rights, recognized the responsibility to future generations and specified that only by involving all stakeholders can sustainable development be realized and linked a connection between government accountability and environmental preservation. The convention was accepted on June 25, 1998, at the Fourth Ministerial Conference in the Danish city of Aarhus as part of the "Environment for Europe" initiative which went into effect on October 30th, 2001. The Aarhus Convention guaranteed a number of environmental rights for the general public. Parties to the Convention were expected to adopt the appropriate arrangements to ensure that public authorities contribute to the realization of these rights. The Convention stated that everyone has the right to obtain environmental information held by public agencies. This can contain information on the status of the environment, but also on policies or actions implemented, or on the state of human health and safety where the state of the environment can have an impact. Applicants have the right to access this information within one month of making the request and without having to explain why they need it. Furthermore, under the Convention, public agencies were required to actively distribute environmental information in their possession. It also provided the right to have a say in environmental decisions. Public authorities were to make arrangements for the public affected and environmental non-governmental organizations to comment on, for example, proposals for projects affecting the environment or plans and programs relating to the environment, with these comments to be taken into account in decision-making and information provided on final decisions and the reasons for them and the right to

review processes in order to dispute public decisions made in violation of the two aforementioned rights or environmental legislation in general¹¹.

Rio Declaration on Environment and Development

The Rio Declaration, often known as the Earth Summit, was a brief declaration created at the 1992 United Nations "Conference on Environment and Development" (UNCED). The Rio Declaration outlined 27 principles to help countries achieve long-term sustainable development. Human beings are "entitled to a healthy and productive life in harmony with the environment", according to the Rio Declaration. The Rio Declaration recognizes the necessity of a public role, but advocates for it on the basis of efficiency: "Environmental issues are best handled with the participation of all concerned individuals at the relevant level".

UNEP & UNHRC plans for a new cooperation agreement

Another attempt was the signing of a new cooperation agreement. The UN Environment Programme (UNEP) and the UN Human Rights Office have prioritized efforts to promote and protect environmental and human rights as dangers to individuals and communities defending their environmental and land rights intensifying in many parts of the world. The aim of this agreement is to improve assistance for national governments in promoting human rights-based policies, notably in the areas of sustainable natural resource management, development planning, and climate change action, monitoring threats against environmental rights defenders, advocating for better protection, demand more effective accountability for perpetrators of violence and intimidation, build networks of environmental human rights defenders, and promote meaningful and informed participation in environmental decision-making by rights defenders and civil society.

Escazú Agreement

The Escazú Agreement, which has received 12 ratifications, is expected to enter into force in early 2021, much to the delight of the world community. The Escazú Agreement, which came out of the United Nations Conference on Sustainable Development (Rio+20) in 2012, is the world's first legally binding instrument to include provisions on environmental human rights defenders (EHRDs), as well as the first environmental agreement adopted in Latin America and the Caribbean. One of its most important clauses is that it recognizes the right of current and future generations to live in a healthy environment. Michelle Bachelet, the United Nations High Commissioner for Human Rights, said at a high-level gathering organized by the Economic Commission for Latin America and the Caribbean (ECLAC), 'the Escazú Agreement comes at a very opportune time because we can make a real commitment to change. It provides a cornerstone for environmental democracy, international cooperation and multilateralism and that must be at the center of efforts to build back

¹¹ "Aarhus Convention." *Aarhus Convention - Environment - European Commission*, <https://ec.europa.eu/environment/aarhus/>.

a human rights-based approach. This agreement is crucial as it ensures full enjoyment of environmental rights to knowledge and justice, as well as encouraging public involvement in environmental decision-making processes.¹²

POSSIBLE SOLUTIONS

Connecting environmental and human rights is crucial in order to mitigate the consequences of environmental problems across the globe.

Access to information on environmental rights for the youth

First and foremost, it is of the utmost importance to ensure the proper information of citizens on environmental rights. Hence, a solution is to provide access to information on environmental rights through educational programs, created and funded by the government. This will prevent misinformation and hence the abuse of certain rights. It is essential for the youth to be educated on environmental and human rights and have complete knowledge of such matters. An individual subject can be integrated in the school syllabus worldwide informing students for their rights and their cruciality. If this is not possible, a school seminar could take place in the facilities of the school. In cases of Less Economically Developed Countries, which lack economic resources, the UN and NGOs can fund the campaigns, in order not to burden the economy.

Establishment of international institution

Secondly, an international institution must be established. The institution will monitor the extent of which the environmental rights will be followed and it will assist governments in fulfilling their environmental obligations and supervise the process. This will provide data and may contribute to better understanding the issue and as a result provide more effective solutions and measures. In every case that there is a violation of environmental and human rights, the responsible actor will face severe consequences, including imprisonment and other punishments, determined by the institution in collaboration with the government and the legislature. For this, it is essential to initiate a global institution to develop legislation that promotes and protects environmental rights. The legislation of the global institution will be the guide to the consequences that the offender will face.

Campaigns in the promotion of the ERI

Lastly, the UN and other NGOs should promote the environmental rights initiative globally, through advertising and campaigns and produce legal and policy guidance on environmental rights to better assist all sectors in understanding and executing environmental rights duties. Also, these two bodies should be responsible in assisting countries to connect environmental and human rights, through the initiative, and keep a track of their progress.

¹² "The Escazú Agreement: A Landmark Regional Treaty for Environmental Defenders." *Universal Rights Group*, 10 Feb. 2021, <https://www.universal-rights.org/contemporary-and-emerging-human-rights-issues/the-escazu-agreement-a-landmark-regional-treaty-for-environmental-defenders/>.

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