Human Rights, Human Development and The Right to a Healthy Environment: An Analytical Framework

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ABSTRACT

This paper provides a framework for understanding the profound interrelationship of human rights, human development, and the right to a healthy environment. The author argues that concerted public action in environmental affairs is necessary for true advancement in human development, and for the broad attainment of the whole range of human rights in society. Human dignity consistent with the realization of human rights is only possible where steps are taken to protect the environments on which people depend for their basic needs. The author links the normative position implied in human rights theory to the practical and prescriptive ideas of human development. In conclusion, the author argues that improving environmental conditions goes hand in hand with improving levels of human development and in promoting human rights.

RÉSUMÉ

Cet article dresse un schéma qui permet de comprendre davantage les relations étroites qui existent entre les droits humains, le développement humain et le droit de tous et chacun à un environnement sain. L’auteur soutient qu’une action publique concertée en matière d’environnement est nécessaire si l’on souhaite faire de véritables percées dans le développement humain et obtenir des résultats en ce qui concerne le respect des droits humains. Le principe de la dignité humaine, en accord avec la promotion des droits humains, ne peut être respecté que si des mesures sont prises afin de protéger l’environnement dont les personnes dépendent pour combler leurs besoins de base. L’auteur fait le lien entre la position normative implicite de la théorie des droits humains et les idées con-

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crétes et prescriptives associées au développement humain. L’auteur conclut en soutenant que l’amélioration des conditions environnementales va de pair avec la hausse des niveaux de développement et la promotion des droits humains.

INTRODUCTION

Human beings depend on healthy ecosystems and environmental resources to meet their basic needs. How does this obvious fact relate to human rights and the evolving notion of human development? Human rights, human development and the right to a healthy environment are lofty concepts with broad and far-reaching connotations. How are these important concepts interrelated? The right to a healthy environment figures in numerous international human rights instruments, including declarations of the United Nations; the scope of the right still has yet to be agreed upon.¹ One often hears the pronouncement that human rights and the right to a healthy environment are profoundly interconnected. Also, it is often noted that human development depends, in part, on peoples’ capabilities to transform natural resources into basic goods. People must have access to resources either directly, through exchange in markets, or through other means to meet their subsistence needs. One cannot speak of the advancement of human rights without also considering the requirements for human development. At the same time, one cannot achieve human development in a society where the right to a healthy environment is violated routinely. In this paper, I propose an analytical approach toward understanding the profound interrelationship of human rights, human development and the right to a healthy environment. My hope is to provide a framework for interpreting environmental rights, and to contribute to our understanding of the correlative duties that flow from these rights. In proposing this framework, I apply environmental values to the works of two influential theorists on basic human rights and human development: Henry Shue’s Basic Rights (1980); and Amartya Sen’s essay “Development as Capability Expansion” (1990) and his work Development as Freedom (1999).² I also make

¹. See, for example, the UN General Assembly resolution (1990) which declares: “All individuals are entitled to live in an environment adequate for their health and well-being”; and the Stockholm Declaration (United Nations 1972) which states: “Both aspects of man’s environment, the natural and the man-made are essential to his well-being and to the enjoyment of basic human rights – even the right to life itself.” See also, principle 1 of the Rio Declaration on Environment and Development (United Nations 1992); article 11 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, (OAS 1989); and article 24 of the African Charter of Human and Peoples Rights (OAU 1981).

reference to Sen's *On Ethics and Economics* (1990), and to works by other authors who discuss the moral economy of development and underdevelopment.

The practical outcome of my argument is that concerted public action in environmental affairs is necessary for true advancement in human development and for the broad attainment of the whole range of human rights in a society. I argue that the environmental responsibilities of states flow directly from universally recognized and non-derogable human rights. I argue that the attainment of first-generation\(^3\) and second-generation\(^4\) human rights relates directly to the overall attainment of a level of human development consistent with human dignity. Human dignity is only possible where steps are taken to protect and care for the built and natural environments on which people depend to meet their basic needs. In addition, I argue that environmental responsibilities also fall on private corporations and citizens in general. (One often hears the view that, strictly speaking, human rights law does not apply to private individuals or corporations.\(^5\)) Within the framework that I propose, governments must operate on the premise that the attainment of social and economic rights requires reasonable guarantees of environmental security and protection. Furthermore, governments must recognize that civil and political rights are only guaranteed where basic social and economic rights are fulfilled. Shue (1980) argues that the necessities of life must be fulfilled before civil and political rights can be truly effective across a society. I argue that civil and political rights – including democratic rights, freedom of expression, freedom of mobility and equality rights – cannot be guaranteed in a society where environmental conditions are so poor that basic social and economic needs are not broadly attainable.

The degradation of the environment by states, corporations and individuals will almost certainly erode the human development capacity of citizens, particularly among people who depend directly on environmental services for their subsistence. This point may seem rather obvious to some; however, the fact remains that large-scale development programs with dramatic negative environmental impacts continue to be implemented in areas where local populations depend on a healthy environment to meet basic human needs. In fact, the dominant development approach of the last two decades – the Washington consensus – has been aimed at increasing foreign investment and expanding

\(^3\) First generation rights are generally referred to as civil and political rights. See, United Nations, *The International Covenant on Civil and Political Rights* (United Nations 1966).

\(^4\) Second generation rights are the broad range of economic, social and cultural rights. See, Ibid. (United Nations 1966).

\(^5\) On private duties that flow from human rights law, see, Paust (1992); Shue (1990, p. 13).
export industries, generally with a view to altering the macroeconomic picture of a developing country. Such projects aim to improve the “big-picture” of an economy; however, they often lead to very adverse local environmental impacts. The local impacts frequently go unnoticed by macroeconomic policy makers. Countless examples exist – particularly in the natural resource sector – where the capacity of local populations to meet their basic needs is sacrificed to large-scale export-oriented activities that degrade local environments. Very often, the exploitation of natural resources often brings very few material benefits to the people most directly affected by the environmental impacts of such development. Thus, large-scale export-oriented development approaches often lead to the gradual erosion of the human development capacity of the poorest and most vulnerable people in a society. Over time, this decline in levels of human development may reverse any improvements that may have been made at the macroeconomic level. The simple point that environmental degradation leads to reduced human development capacity may be obvious, but it is a point that all too often appears to be lost on policy makers.

The main corollary of my argument is that states have a duty to protect citizens from the deprivations that result from a loss or degradation of environmental resources. In human rights parlance, one can argue that the social and economic rights of citizens are violated when widespread pollution or other forms of environmental degradation result in a reduction or elimination of environmental resources. This is especially true where the ability of a particular group of people to meet subsistence needs is directly undermined because of state-sponsored environmentally damaging activities. Violations of the right to a healthy environment may have grave consequences, including famine; chronic hunger; unemployment and underemployment; population displacement; increased morbidity and mortality; and increased indigency. The persistent violation of the right to a healthy environment among people who depend on local environmental resources for their subsistence must be regarded as a potentially massive human rights violation.

I. THE RIGHT TO A HEALTHY ENVIRONMENT AS A RATIONAL MORAL DEMAND

Moral rights, Shue (1980) argues, provide a rational and meaningful justification for demanding certain things of others: they are “especially compelling reasons.” Shue describes the right to a healthy environment as a “rational moral demand.” The existence of a human right to a healthy environment becomes apparent when we see that to attain human dignity, people must have
access to adequate environmental resources. An obvious example of this is the subsistence farmer who must have access to clean water and productive land. The basic rights of subsistence farmers are infringed upon when resources become inaccessible because of environmental degradation. When a state, corporation or individual causes environmental degradation, it violates the human rights of those who depend on the environment for their basic needs: it deprives people of their "means of subsistence."

Shue argues that civil and political rights cannot be guaranteed without the simultaneous attainment of economic and social rights – both sets of rights are indivisible. He argues that if citizens are forced to live in conditions of material privation, they cannot exercise civil or political rights in a meaningful way. Having the capability to meet subsistence needs is necessary for human dignity, for participation in the political life of a society and for the attainment of all other rights. Shue also argues that to be meaningful, all rights must be "socially guaranteed against standard threats." He argues that to guarantee civil and political rights, such as democratic rights, a government must also be able to guarantee the basic rights of subsistence, security and liberty. All three basic rights must be taken together – subsistence cannot be guaranteed without liberty, and liberty cannot be guaranteed without subsistence. All human rights are necessarily interdependent. When we add environmental values to the discussion, it becomes very clear that to guarantee the "basic" rights of liberty, security and mobility we require natural goods, such as clean air, water and soil, and hospitable built environments. The reproduction of stable political and social environments requires the sustainable use and reproduction of environmental resources. Simply put, healthy societies – in both the economic and the political sense – require healthy ecosystems.6 Healthy ecosystems provide the material conditions for meeting subsistence needs, for increasing and sustaining nutritive capacity, and for expanding human capability towards progress in human development. Sustainability implies an element of human dignity that rampant, uncontrolled development does not.

Shue makes the point that citizens do not enjoy rights by coincidence; rights are fulfilled by governments. For a right to be fulfilled in a democratic society, public arrangements must be in place so that the right is enjoyed at all times by all citizens. Shue argues that the right to security means that "every-

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one ...is justified in demanding that somebody somewhere makes some effective arrangements to establish and maintain security." I would add that citizens must also take it upon themselves, to the extent that it is possible, to promote the attainment of human rights. In the political realm, "effective arrangements" take the form of laws, regulations, and the maintenance of adequate resources for public institutions that are charged with environmental protection, public health, environmental planning and natural resources management. The relations of political power and privilege within a particular society will determine what institutional arrangements, if any at all, will be put in place to guarantee the right to a healthy environment. In practice, the nature of the "effective arrangements" will vary greatly from one society to the next, and will depend upon the political dynamics at play within a society. From a practical point of view, the extent of "effective arrangements" will also depend, in part, on the ability of the various components of governments (finance and economic development ministries; and environmental and health ministries) to establish common goals and strategies towards guaranteeing the right to a healthy environment.

To reconcile the theory of basic rights with the idiosyncrasies and scarcities of the real world, Shue accepts a "reasonable" level of guarantee. But clearly, people will not always agree on what constitutes a reasonable guarantee. Different governments, depending on their ideological inclinations and economic means, will guarantee varying levels of support for the management of environmental affairs, social security, public health services, etc. Political groups will frequently clash over how best to ensure sustainability, or even over what sustainability means. Similarly, the various components of government may find themselves articulating contradictory versions of sustainability and, in practice, they may operate at cross-purposes in implementing such visions. Nevertheless, the obligation is clear – under international law, governments must recognize, promote and guarantee human rights, including the right to a healthy environment.

Shue’s system of rights includes positive duties to aid others, particularly those in distress. The moral concept of "love thy neighbour" implies positive duties that are not taken-up by the libertarian’s ethic of “just don’t do any-
thing that will hurt your neighbour.” Governments have a duty to aid others, and to protect those in distress. Governments must enact laws and regulations, and establish effective institutions charged with protecting basic rights. They have a responsibility to create and actively enforce regulations aimed at reducing or eliminating pollution. At the level of public education, environmental education programs will ensure that environmental knowledge and expertise is reproduced across the population as a whole, thereby improving environmental conditions over the long term.

While it is generally accepted that people must not deprive the rights of other people, Shue makes the stronger point that people with power and privilege have a duty to protect and promote the rights of all people. Shue’s system of basic rights includes four positive correlative duties:

- to avoid depriving people of their rights;
- to protect people against deprivation;
- to aid people who are deprived of their rights;
- to maintain “effective institutions for the fulfillment of rights.”

One can state concisely the scope of the public duty of governments to protect the environment by applying environmental values to Shue’s list above. First, governments must take concrete measures to avoid directly depriving people of their environmental rights. For example, governments must ensure that they conduct their own operations in an environmentally responsible way. Second, governments must protect people against deprivation. Therefore, governments must prohibit economic activities that result in widespread environmental degradation and which deprive people of their means of subsistence. Third, governments must aid the deprived. To do this, they must take steps to protect people whose livelihoods have been adversely affected by environmental degradation. Governments must work to rehabilitate degraded areas through reforestation, environmental remediation and other measures aimed at the long-term maintenance of environmental resources. Where it is impossible to restore polluted areas, governments must ensure that people who are displaced are adequately compensated for their

9. While some libertarians like Nozick (1974), emphasize concepts of “negative liberty,” even liberal philosophers will uphold the right and responsibility of the society to take jurisdiction over conduct which adversely affects others. John Stuart Mill (1974) stated: “As soon as any part of a person’s conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it becomes open to discussion.” He adds that: “...there is a need of a great increase of disinterested exertion to promote the good of others.”

loss of land and resources. Finally, governments must maintain "effective institutions for the fulfillment of rights." The third and fourth correlative duties require that governments undertake a range of public actions, including, establishing laws, regulations, and institutions that are capable of effective enforcement; preventing the adverse environmental impacts of economic activity; and containing and ameliorating environmental degradation after it has occurred.

In all forms of development, some degree of environmental degradation will be inevitable. To protect basic rights, governments must control and monitor the environmental impacts of economic development, and must ensure that the ecological basis for continued subsistence is preserved. Human well-being can only be promoted if the natural and built environment is protected from pollution and from reckless forms of economic activity. The duty to prevent and control environmental degradation flows from universally recognized human rights.  

II. ENVIRONMENTAL DEGRADATION AND REDUCED NUTRITIVE CAPACITY

The right to subsistence consists of, *inter alia*, the right to adequate shelter, health care and nutrition. These rights are enshrined in the *Universal Declaration of Human Rights* (United Nations 1948) which states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services..." Such rights are jeopardized when the state permits environmentally destructive activities to occur without adequate controls.

In *Hunger and Public Action*, Dreze and Sen (1989) use the term nutritional capacity to describe the capacity to be well nourished. As long as people have entitlement to adequate food supply, they have adequate nutritional capacity. People who cannot produce food for their own consumption or who cannot afford to buy food experience entitlement failure. Entitlement failure also occurs if people are unable to be well nourished in a manner that is consistent with human dignity. Thus, a well-nourished homeless person still experiences entitlement failure if the manner in which he or she obtains the food is inconsistent with human dignity.

11. Again, for a discussion of the duties on states which flow from the "right to development" and the "international law of development," see, Paul (1998).
Environmental degradation can lead to food entitlement failure in at least two ways. First, people who grow their own food or depend on hunting and fishing may suffer from a decline in nutritive capacity because of pollution, land degradation, wildlife habitat loss or commercial over-fishing. Secondly, environmental degradation may lead to a reduced overall availability of food, forcing prices up. Poorer citizens who depend on affordable staple goods are no longer able to afford adequate amounts of food. Clearly, many forms of environmental degradation may lead to an overall reduction in nutritive capacity, leading to longer-term health problems and severely reduced capabilities. Thus, careful attention must be paid to environmental values when assessing the long-term nutritive capacity of people who depend on direct access to natural resources for their subsistence. Sadly, many examples exist where poorly planned or uncontrolled industrial and resource development activity has led to reduced nutritive capacity among local populations, further reducing levels of human development among already marginalized populations. Governments have a duty to monitor the environmental impacts of industrial and resource development with the aim of minimizing the negative impacts on local populations.

It is far beyond the scope of this paper to outline all the ways in which poorly planned economic development may result in reduced nutritive capacity of local populations; however, a few illustrations are helpful. An obvious example is over-fishing by commercial vessels and the resulting decline in the catch of small-scale fishermen who depend on fish to meet their basic needs. Other examples include the following:

- The improper and excessive use of agricultural inputs (fertilizers and pesticides) degrades soil structures, resulting in greatly reduced agricultural yields, or eliminating agriculture altogether in some areas.
- The eutrophication of rivers and lakes kills fish populations. Eutrophication occurs when nutrients (phosphates) in chemical fertilizers leach into ground water and are eventually deposited in lakes and rivers. The nutrients accumulate and cause algae blooms. The rapid decomposition of large amounts of algae consumes oxygen, making the water anaerobic and leading to a decline in fish populations. People whose nutritive capacity depends on eating or selling fish may suffer from the environmental impacts of commercial agriculture.
- The use of highly toxic chemical pesticides in developing and industrialized countries is pervasive. Toxic pesticides contaminate rivers and wetlands. In many coastal lowland tropical regions, the toxic run-off from
banana plantations has led to the gradual poisoning of coastal wetlands, including coral reefs. The toxic run-off from banana plantations has had seriously adverse environmental impacts along tropical coasts.

- Soil erosion is a major threat to agriculture, particularly in tropical climates. Cultivation on steep slopes has led to extensive erosion in all parts of the world, especially in areas where farmers are forced on to marginal lands. Deforestation may lead to soil erosion and increased turbidity in streams and rivers. Banana plantations require large ditches to drain tropical rains – erosion from these areas can seriously affect rivers, estuaries and coastal wetlands. Increased turbidity of water may result in a decline in fish and animal populations.

- The adverse environmental impacts of clear-cut logging are too numerous to list in this paper. Clear-cutting of forests has a tremendous negative impact on biodiversity. Non-sustainable logging practices may eliminate important non-timber forest products. People who depend on forest resources for food or generating income will suffer from reduced nutritive capacity when these areas are affected.

- In Southeast Asia and Latin America, shrimp farming has totally destroyed many of the tropical mangrove forests. Traditionally, these forests provide food and other resources for people living in coastal regions. Subsistence resources disappear completely when mangrove forests are cut to make room for shrimp farming ponds. The loss of biodiversity caused by the destruction of mangrove forests is a serious concern for ecologists, since many marine species reproduce in these forests. While shrimps are cultivated for export to Europe, Japan and North America, local people in producing countries may suffer from reduced nutritive capacity.

- Pollution from industrial activity such as oil and mining development can render lakes and streams lifeless. Contamination from oil spills and the discharge of formation water can destroy agricultural land and marine environments. Mining activity throughout the developing world often forces local people to vacate agricultural land. Mining wastes are highly toxic and can destroy fresh water resources that local people depend on.


- Deforestation has led to a fuel-wood crisis in many parts of the third world. As fuel wood becomes more scarce, people are forced to prepare foods that require less energy to cook and they begin substituting more starchy, easily cooked foods for high-protein foods, such as beans.
- Along the rural-urban fringe of cities in the developing world, subsistence farmers find their cultivated land expropriated for industrial expansion and the construction of new suburbs.

As the above examples clearly demonstrate, environmental degradation caused by large-scale economic development activities may significantly reduce nutritive capacity and overall health among already marginalized populations. Declining levels of nutritive capacity will lead to a reduction in other human capabilities as overall health standards decline. In such circumstances, levels of human development decline.

III. PROMOTING HEALTHY ENVIRONMENTS AND STRENGTHENING CAPABILITY EXPANSION

Development, Sen argues, is “the process of expanding the real freedoms that people enjoy” (1999, p. 13). In applying environmental values to Sen's argument, we can see that human freedom increases when the right to a healthy environment is protected and nurtured. Humans are more capable of living lives worth living when their environments are healthy and consistently provide a broad range of environmental resources. People living in a healthy environment are more healthy themselves and are capable of doing more – they are more capable of exercising freedom. Development programs that seek to expand human capabilities will benefit from the long-term protection and improvement of healthy environments.

Drawing on Immanuel Kant's moral theory, Sen argues that policy makers, especially economists, must view human beings as ends in themselves, and not merely as means. Sen observes that:

Human beings are the agents, beneficiaries and adjudicators of progress, but they also happen to be – directly or indirectly – the primary means of all production. This dual role of human beings provides a rich ground for confusion of ends and means in planning and policy-making. Indeed, it can – and frequently does – take the form of focusing on production and prosperity as the essence of progress, treating people as the means through which that productive progress is brought about (rather than seeing the lives of people as the ultimate concern and treating production and prosperity as merely means to those lives). (Sen 1990, p. 41)

14. See, Gründlegung (1785), and Kant (1909, p. 47).
According to Sen, development economics should be concerned with humans as ends in themselves, not simply as a means toward increasing economic growth. Sen's approach to development "sees human life as a set of doings and beings." Economic and social development should seek to enhance the capability of people to achieve doings or functionings. He identifies six basic human functionings:

- movement
- self-respect
- participation in the life of the community
- appearing in public without shame
- escaping morbidity and mortality
- adequate nourishment

Sen views the "capability to function as determinants of well-being." Thus, human well-being may be understood as the capability to achieve a range of functionings such as those listed above. The functionings are intrinsically valuable. He argues that increasing a person's various capabilities is valuable in and of itself.

Sen's approach has a strong public health component: increasing nutritive capacity leads to increases in other functionings – people can accomplish more; people are healthier, children develop into stronger, more lively young people. Public health and environmental protection go together hand in glove: environmental protection and the enhancement of environmental resources improves the capability of people to achieve the things in life that matter.

The goals of the development as capability expansion approach are consistent with the expansion of human freedom; those goals are to, _inter alia_, increase life expectancy, lower infant mortality rates and increase literacy rates. Sen argues that governments have a role in promoting economic and social policies that aim to increase human capabilities, such as improvements in public health and education. Obviously, policies that reduce human capabilities, such as divestiture in public health and primary education, run counter to the objectives of development – lower health standards and fewer educational opportunities will necessarily lead to reduced human capabilities and reduced human freedom. Similarly, when we apply environmental values to Sen's approach, we can say that economic development policies that lead to the destruction of environmental resources will lead to reduced human capabilities and have a negative impact on freedom.

The development as capability expansion approach promotes public action to improve people's capability to function in their daily lives. Dreze and Sen (1989) argue that timely government action can help avoid widespread food
entitlement failure that leads to chronic hunger or famine. In other contexts, public action can help increase nutritive capacity, literacy levels and public health standards, and can put in place the conditions required for long-term improvements in levels of human development. Similarly, public action in environmental affairs will, over time, lead to improvements in people’s capability to function and live lives worth living.

Human-induced environmental degradation may prevent or reduce access to the resources people require to meet their basic needs; this can directly result in negative impacts including lower health standards, increased infant mortality, and reduced life expectancy. If governments do not take reasonable steps to prevent such degradation, the human rights of their citizens are violated. Human functionings – to use Sen’s terminology, depend on maintaining, protecting and enhancing environmental resources. The environment provides the natural capital necessary for expanding human capabilities. Human capabilities and functionings can be enhanced through social and economic programs, but ultimately, all human capabilities require a healthy and productive natural environment.

Sen argues that humans are the primary means of production. Without contradicting the general intent of his argument, I propose that a healthy environment must also be regarded as a primary means of production. Humans can only function and engage in economic activity if their environment provides the necessary material resources. The environment plays a role that humans cannot fulfill themselves – it provides the raw materials that humans convert into goods for their well-being. While humans can indeed manipulate ecological processes for their own benefit, they are completely dependent on the natural ecological processes that occur around them. Of course, humans can increase production through agriculture and technical innovation, and through various forms of the social organization of production, but in all cases, nature provides the raw materials required to support all economic activity. Ecological economics recognizes that human economic activity cannot be separated from natural processes. Natural processes lie at the centre of all that is economic. The combining of ethical and ecological approaches within economics constitutes a major shift in the dominant paradigm of economic development. In his work *On Ethics and Economics* (1990), Sen criticizes the dominant “engineering” approach to economics, which sees humans as a means to an end and not as ends in themselves. In contrast, moral economics sees humans as ends in themselves; historical economics recognizes
the idiosyncrasies of the real people who create markets; and ecological economics recognizes that natural processes constitute the material basis of all human economic activity. A moral economics must encompass culture, ethics and ecology. 

When human life is viewed as an end in itself, the importance of the right to a healthy environment takes on considerable weight. Economic development which aims to increase the GDP of states, but which simultaneously adversely affects the health of citizens, confounds the distinction between the ends and means of development. When humans are only viewed as means to economic growth, the impact of economic activity on their health is discounted or ignored in the economic policy-making process. Such approaches must change – all economic policy making must consider the impact of economic development activity on human health (and nutritive capacity). Thus, environmental impact assessment and other tools for protecting the environment and maintaining standards of industrial hygiene can be viewed as mechanisms for advancing and protecting of the human right to a healthy environment.

Capabilities, says Sen, are a reflection of human freedom. The greater a human's capabilities, the greater his or her freedom. Sen defines freedom as the ability to exercise a range of possible functionings or doings. Sick or chronically malnourished people have little freedom. Human capabilities, I would suggest, increase with increased ecological and environmental functionings. Protecting and enhancing healthy environments over the long term means more diversity, more choices, more freedom and healthier lives for all people. Long-term state intervention in environmental affairs contributes to the range of economic and social choices that are available and therefore, contributes to freedom, broadly conceived. Environmental degradation erodes freedom because it limits the range of choices for people today and for future generations – it limits and contracts our capabilities over the long term. Human capabilities and freedom are eroded when human-induced environmental degradation diminishes ecological functionings.

Public action to enhance capabilities must not only address the distribution of entitlements but must also strive to protect and enhance the ecological processes that serve as the foundation of all human development. Development must seek to enhance economic, social and ecological capabilities; and human development must aim to educate people about how to ensure that ecosystems remain viable.

CONCLUSION

International human rights instruments recognize the basic principle that all people have a right to live in conditions that are consistent with human dignity. As stated in the International Covenant on Economic, Social, and Cultural Rights (UN 1966, art. 1, sect. 2), “[n]o case may a people be deprived of its own means of subsistence.” I defined having the “means of subsistence” as having the entitlements that are required to meet subsistence needs, whether through exchange or direct production, or as provided by the state. Subsistence rights and human development capacity logically depend on the satisfaction of minimal material conditions – all people must have access to basic resources and other environmental services. Access to basic needs is only guaranteed where populations are healthy enough to have the physical capacity to transform resources into goods. Overcoming chronic poverty and malnutrition is extremely difficult for a population made unhealthy because of environmental degradation. Overcoming the inertia created by poverty is a tremendous challenge for indigent people, especially where the people have virtually no power to reverse or ameliorate environmental degradation without state support. The human rights responsibilities on states include the obligation to ensure that economic development programs are assessed carefully for their potentially negative impact on the environmental resources that local populations depend on for their well-being.

The analytical framework articulated above links the normative position implied by subsistence rights (and social and economic rights) to the practical and prescriptive positions of human development. By linking the normative demand for progress in human rights to the environmental conditions that underlie improvements in economic and social welfare, another normative demand can be deduced – the right to a healthy environment. This framework fuses the normative and prescriptive approaches to their material pre-conditions – human rights, human development and a healthy environment are logically and necessarily related. In effect, the outcome of my analysis has been to establish a concrete link between human rights theory, environmental rights and human development. When States, corporations, or individuals destroy the environment, they violate the rights guaranteed in human rights instruments, including the social and economic rights outlined in the International Covenant on Economic, Social, and Cultural Rights – they deprive people of their “own means of subsistence.”

Human rights and human development are mutually supportive. When environmental values are applied to both concepts simultaneously, a coherent
and practical interpretation of the right to a healthy environment becomes apparent. Minimum standards of environmental protection must be met before the material conditions for human rights and human development can be satisfied. Human development as capability expansion is predicated on the maintenance of healthy ecosystems and access to environmental services; similarly, basic rights can only be guaranteed as long as the natural world continues to supply the environmental services necessary for subsistence.

Improvements in human development and the gradual attainment of human rights will also have a positive impact on the maintenance and improvement of environmental conditions in a society. This is because healthy and educated citizens who have the freedom to participate in public affairs will have a stronger capability to protect their environmental resources. Thus, improvements in human development and the attainment of human rights in a society tend to reinforce the protection of the right to a healthy environment. This explains why societies with high levels of human development and guarantees of human rights tend to have a better track-record for protecting their own citizens from pollution and other environmental hazards. However, even societies with high levels of human development have contributed significantly to global environmental crises such as global warming and the reduction of ocean fish-stocks. Moreover, industrial countries with high levels of human development often have less than stellar reputations as far as the foreign operations of their companies are concerned. While respect for human rights and the existence of high levels of human development mean that many citizens in developed countries enjoy a tangible degree of a healthy environment, citizens in developing countries continue to see their environments degraded by the reckless activities of transnational corporations. At this juncture in the new millennium, the right to a healthy environment in some societies still comes at a dire cost to many of the citizens of poor and less open societies.

Halting environmental degradation and enhancing diversity and healthy environments go hand in hand with human development and the promotion of human rights. Human rights, human capability expansion and environmental protection do not have to be sacrificed for development to occur. In fact, environmentally sound approaches to human development will enhance human capabilities over time. I have argued that the long-term protection of healthy environments is a rational moral demand – environmental protection supports the fulfillment of universally recognized rights. I also have argued that the correlative duties that flow from the right to subsistence and other basic rights include the duty of governments to undertake measures to protect healthy
environments. If governments do not take steps to prevent and ameliorate environmental degradation, their omissions may lead to increased hunger and mortality among people directly dependent on environmental services. The failure to protect, prevent and ameliorate environmental degradation can seriously affect the welfare of citizens. Human-induced ecological degradation is a morally culpable act and should be legally and socially sanctioned as such, particularly when it leads to the violation of basic human rights. Environmental degradation, insofar as it limits choices and erodes human development, has a negative impact on freedom.

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