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ENVIRONMENTAL IMPACT ON THE ENJOYMENT OF HUMAN RIGHTS AND INTERNATIONAL LAW

The Centre for Environment Justice (CEJ) recognizes the increasingly demand being given internationally to the interdependence of human rights and the environment. It is no longer possible, assuming that it ever was, to assert, that the human rights community is concerned only with individuals and the environment community is concerned only with the protection of the environment. The truth is that environmental conditions impact on the enjoyment of human rights; in the absence of a healthy environment many human rights cannot be protected and promoted. Moreover, it is important that we protect the dignity of all people living in the present while at the same time preserving the earth for future generations.

Our ability to meet the needs of the present without compromising the ability of future generations to meet their own needs is captured by the phrase ‘sustainable development’. Sustainable development promotes a strategy for development that seeks to marry environmental protection with economic and social development. The concept is informed by environmental law, human rights law and international economic law.

The link between the environment and human rights was first made nearly 40 years ago in the Stockholm Declaration of 1972 which states:

!!Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.!!

While international consensus builds around the exact content of a right to a certain standard of environment, existing human rights can be employed to achieve environmental protection. Any discussion of human rights, including whether to green existing human rights or to recognise an explicit right to a clean and healthy environment, will always require a balancing act. The practical application of human rights law is only rarely about absolutes. It is more often about balancing different rights with one another, with responsibilities and with competing public interests.

As CEJ, we desire to see the introduction of Environmental Courts in Zambia, with policies and frameworks which will exists to make human rights a very real part of decisions made in specialised planning and environment courts and tribunals. Furthermore, see that environmental courts can strengthen and improve the protection of human rights in their jurisdictions.

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