

# Environment and Human Rights: A New Approach to Sustainable Development

Produced for IIED by ANPED, the Northern Alliance for Sustainability

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## EXECUTIVE SUMMARY

**T**his paper examines the background to current discussions on Environmental and Human Rights. It has been produced by ANPED, the Northern Alliance for Sustainability, a network of NGOs in all parts of the Northern hemisphere, that is working to promote the need for such rights. ANPED has produced this paper in conjunction with the Environment Liaison Centre International (ELCI) in Nairobi, Kenya and with two ANPED members, Capacity (an NGO focusing on environment and social justice based in the UK and Germany) and EcoPravo Kiev (an environmental law focused NGO in Ukraine).

The paper suggests that the lack of success of many of the Rio initiatives makes it appropriate to consider new approaches, and that such approaches should be rooted in recognition of an inalienable right to a safe and healthy environment. It first considers the need for environmental human rights and looks at what such rights might be. It includes perspectives from different nations and regions and highlights the UN Draft Principles from 1994. It also considers the issue of globalisation and suggests that environmental human rights could play an important part in this debate. The paper concludes by looking ahead to the 2002 Summit.

The central conclusion is that this is a very appropriate time to be considering these issues and that there is a need for debate

leading to a convention that will for the first time put these rights in a clear legal framework. It welcomes the moves by UNCHR and UNEP to work together on these issues and stresses the need for this debate to be developed as part of the broader discussions at the 2002 Summit.

## 1. Introduction

The issue of 'Environmental Human Rights' or the human right to a safe and healthy environment is not a new one. It has been suggested that the development of concern for human rights and for the environment have been two key processes which characterised the 20th century. Much more must be done before the rights set out in the UN Universal Declaration of Human Rights can be fully realised for all people, yet the principle that "human rights should be protected by the rule of law" is still universally recognised. This protection of human rights by the rule of law remains one of the keystones for democratic expression, within a framework that guarantees legal action while fostering dialogue.

We would suggest that the principles of human rights, the right to life and the right to development can not be realised in the absence of the right to a healthy environment. Many international agreements since the 1972 Stockholm Conference have talked about such a right. Some sixty nations have constitutions or pieces of legislation intended

## KEY CHALLENGES:

- **Ratify the Aarhus Convention, as an important step to recognising all people's environmental human rights**
- **Recognise the need for a strong global commitment to environmental rights as an essential element in efforts to realise sustainable development**
- **Support calls for discussions at WSSD on the negotiation of a UN Convention on sustainable development and human rights, and engage in dialogue with civil society and other governments on what this should entail**
- **Emphasise that the rights-based approach, founded on principles of equity, is central to sustainable development, and provides an important means by which to counter the negative impacts of economic and social globalisation**



to ensure this right, although there is little evidence of work to make this happen.

Over the last year there has been increasing interest in these issues. ANPED have made this a key focus for work towards the 2002 Summit. As part of this work ANPED is building links with NGOs and other agencies in all parts of the world. There is no doubt that the timing of this activity is appropriate: the 2001 meeting of the UN High Commission on Human Rights has called for an international seminar on this issues to be jointly run by UNEP and the UNCHR.

The paper seeks to provide an introduction to the issue. It firstly outlines the need for such rights and then provides some background.

## 2. A brief overview – human rights and the environment

Work towards sustainable development is increasingly recognising the importance of a human rights approach. This should not be surprising: the protection of human life in relation to life, health, culture and living standards is central to any social, environmental or economic programmes. The right to life can not be realised without the basic right to clean, water, air and land. A human rights approach allows the quality of life of people, in particular the most vulnerable, to be integrated into environmental decision making.

There are two main approaches to human rights and the environment:

- the use of existing human rights, and
- the need for new human rights for a safe and clean environment.

The rights we have already are:

1. civil and political, and
2. economic, social and cultural.

Civil and political rights provide for moral and political order. Such rights include the right to life, equality, political participation and association. They are couched most clearly in the Universal Declaration of Human Rights (1948) and International Covenant on Civil and Political Rights (1966). When realised civil and political rights are fundamental to guaranteeing a political order supportive of sustainable development. They can protect civil mobilisation around environmental protection and equity.

Economic, social and cultural rights are often referred to as 'second generation' rights. These provide substantive standards for an individual's well being. The International Covenant on Economic, Social and Cultural Rights (1966) provides an example. The Covenant provides, amongst others, the right to health which recognises the need for environmental improvement. It also provides for self determination including the right of all peoples to manage their own natural resources. These second generation rights often have a direct bearing on the human and environmental condition.

Although existing first and second generation rights can provide for a degree of global and environmental protection if effectively mobilised, they are indirect environmental rights. They therefore suffer from a lack of clarity and precision on environmental protection and equity. What is required to strengthen the use of universal human rights are direct policy, legislation and institutional changes which recognise a specific right to a healthy environment and which takes into account both substantive and procedural issues.

## 3. The need for environmental rights

**It is nearly thirty years since the UN Stockholm Conference in 1972 put environmental issues on the international agenda. Since then there has been much hard work to protect and improve the environment globally, nationally and locally. There has been much progress, but it is clear that in all parts of the world our environment is under threat and that many problems are becoming more serious.** The Rio summit recognised these problems and sought to resolve them through Agenda 21 and the various UNCED Conventions.

**Work on implementing these conventions, which are based on the principle of "common but differentiated responsibility", has gradually revealed that these 'less than perfect bargains' have:**

1. Failed to place constraints on national strategies that may lead to unsustainable growth.
2. Failed to ensure the implementation of national framework laws and enforcement strategies such as National Environmental Action Plans (NEAP).
3. Failed to control perverse state resource use and damaged intergenerational equity.
4. Increasingly revealed the inadequacies of funding by those agencies which fund strictly environmental work that does not consider socio-economic factors.

It is failures such as these that have led to calls for a new approach to sustainable development. A further driver for change has been the increased pressure resulting from globalisation. It is clear that non-mandatory ('soft law') agreements are an inadequate basis for ensuring effective control of these processes.

The need for change has been acknowledged, but some will question whether the introduction of inalienable human rights to a safe environment is the way forward. It has been suggested during our initial work that adequate rights already exist. This is simply not the case. There are a few key international rights, but substantive rights to a safe environment the rights are still largely implied rather than explicit. In theory, existing human rights legislation should protect our environment but this does not happen in practice. Many groups have tried to use Human Rights legislation to protect the environment, such as the 'Right to Life' defined by Article 2 of the European Convention on Human Rights, which states that "*everyone has a right to life protected by law*". Most attempts to do this have been unsuccessful, although some successful cases exist. We believe that this is an inadequate way to provide for our rights.

## 4. Defining environmental rights

We suggest that any discussion of environmental human rights must encompass three areas of work:

- The right to a clean and safe environment
- The right to act to protect the environment
- The right to information participate in decision-making

Different organisations across the world are approaching these issues in their own ways, but there are some commonalities:

- **The right to a clean and safe environment**

These are ‘substantive’ rights. They are the most basic rights, and the hardest to define. Many organisations would support the idea that “clean water and food security” are “basic human rights” (quotes from UNEP Geo 2000 report). The UN Draft Principles from 1994 (see Appendix) spell out what these might be in more detail.

- **The right to act to protect the environment**

This right is inherent in the UN Declaration and associated Conventions, through the right to organise and to free assembly. This right is under threat in many nations. The ‘Just Earth’ campaign run by the Sierra Club and Amnesty International USA has highlighted many such examples.

- **The right to information, to access to justice, and to participate in environmental decision-making**

These rights enable citizens to play an active part in creating a healthy environment, and they are directly linked to the key points in several UN Conventions and Declarations. In Europe these rights are enshrined in the UNECE ‘Arhus Convention’ (the European Convention on Access to Information, Public Participation and Access to Justice in Environmental Decision-Making) (see below); other regions will need to consider how best to deliver these rights within local circumstances.

These rights do not exist in isolation: they cannot be seen as separate from other human rights or from other issues linked to poverty, economic and social exclusion. A human rights perspective to sustainable development moves from the ‘traditional green’ issues to a wider approach to protecting the most vulnerable in society.

These rights can provide a platform for environmental and sustainable improvements are likely to benefit the most marginalised people, the poor, women, and minorities. The human rights perspective facilitates policies that have a strong impact on poverty and exclusion for reasons of gender or race. The right to information, justice and participation within the sustainable development context includes rather than excludes people who have felt excluded from the traditional green movement agendas. Environmental human rights support a bottom up approach. Active involvement and shared control, by the people and states most affected by a degraded environment is fundamental at local, national and global levels.

### The UN Draft Principles

In 1994 the forty-sixth session of the Commission On

Human Rights (Sub-Commission on Prevention of Discrimination and Protection of Minorities) received a report entitled ‘REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED ON HUMAN RIGHTS AND THE ENVIRONMENT’. This was the Final Report prepared by Mrs. Fatma Zohra Ksentini, the Special Rapporteur on this issue appointed in 1989.

Mrs. Ksentini’s work focused initially on the issue of toxic wastes and dumping of these wastes in poorer nations (an issue which was high on the international agenda in the late 1980s). Her work broadened during the research on this and became a major overview of environmental rights. The final report included a full analysis of environmental rights and legislation at a national level.

The report also suggested that: “For many years environmental problems were almost exclusively considered from the standpoint of the pollution in one part of the world, i.e. the industrialized countries” (*“Immediately after the Stockholm Conference, perception of environmental problems was limited to a specific geographical area, the industrialized countries, and reduced to the simplest of terms, pollution”*). Mohammed Sahnoun, *“Environnement et développement”*, *Revue algérienne des relations internationales*, No. 8, 1987, OPU, Algiers.). It identified the need for new approaches to these problems.

Most significantly the report concludes with a set of ‘Draft Principles for a Declaration on Human Rights and Environment’. These provide the best overview of how substantive rights might be defined and are attached as Appendix 1. These were discussed in 1994 on the release of the report but were not taken forward. Since then developments in this field make it an appropriate time to revisit these issues and principles.

## 5. National and regional instruments

### 5.1 A European perspective: the Arhus Convention

The ‘Arhus Convention’ is the UNECE European Convention on Access to Information, Public Participation and Access to justice in Environment decision-making. This Convention was agreed at the Environment for Europe Ministerial Conference in 1998 and came into effect on October 30th, 2001. It states that ‘...every person has the right to live in an environment adequate to his or her health and well-being...’. But the right to know how bad the environment is, to take part in decision-making, and to be able to go to court do not on their own guarantee this right to an ‘adequate environment’.

There have been some proposals to turn the Arhus Convention into a global agreement. This is an inappropriate way to develop work in this field and is unlikely to be acceptable to many nations. However the underlying principles regarding access and participation are exactly those referred to in Principle 10 of the Rio Declaration. These remain crucial to the long-term development of environmental rights, and the extent to which Principle 10 has been taken forward will be an important issue for the 2002 Summit.

## 5.2 A Southern perspective

Agenda 21 rightly points out that unsustainable consumption and production patterns in richer nations are the 'major cause of continued environmental degradation'. While this is primarily a northern issue, there are issues for poorer nations. There is a need for an acknowledgement by some Southern governments that they are also responsible for the continued loss and depletion of natural capital, mainly by failing to implement Convention obligations.

The prevailing situation in many of the poorest States involves:

1. Poor management of resources with inequality of access and ownership.
2. Promulgation of weak environmental laws which are subject to manipulation by the executive and a failure to implement the laws.
3. Inability to implement convention obligations and to integrate and manage them into public policies and programs.
4. Lack of State accountability in use of natural capital and use of political power to frustrate environmental policies and program
5. Lack of local control over resources: the removal of decision-making authority or ownership is still a problem.
6. Continued marginalisation of pastoral and rural communities and urban migrants.
7. A failure to acknowledge the role of women as environmental managers and a lack of involvement of women in development and execution of programs (although major steps have been taken in some countries such as Uganda).

The domestic pressures of poverty and inequality still prevail. These factors indicate a general failure to respond to the Rio Conventions (specifically the Convention to combat desertification), whose underlying goal is to improve conditions in particular at the community level. There is an urgent need for a new approach. If such an approach is based on a human right to a healthy environment, then it will link into and support initiatives that address other inequity issues.

## 5.3 A UK perspective: the Human Rights Act 1998

Traditionally the UK rights to a healthy environment have been protected indirectly through rules and regulations regarding private property, environmental protection and human health. These rules and regulations are provided for either through common law or acts of parliament. There is no substantive right to a healthy environment and until recently there was no law which illustrated an understanding of environmental justice. For example, the Environmental Protection Act 1995, the cornerstone of UK environmental law does not provide for or recognise a direct right to a healthy environment.

Two recent developments which could play an instrumental role in developing some of the principles of the report are the Human Rights Act 1998 and the Aarhus Convention (see 3.1 above).

The Human Rights Act 1998 brings into UK domestic law the 'rights and freedoms guaranteed under the European

Convention on Human Rights'. So far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights. This shows how a new Convention could be brought into effect. Although the Act does not provide for expressed environmental rights it can be used to protect environment and equity in a human rights context. It is possible to use all the provisions to challenge cases of environmental injustice, but the ECHR provisions which are considered the most advantageous, in the context of environmental justice, are: the right to life (Article 2), the right to a fair trial (Article 6), and the right to respect for private and family life (Article 8), Freedom of expression (Article 10).

Arguably, such existing human rights provide a multi-faceted definition of environmental rights and justice, but using human rights, civil or social, to protect environmental rights is difficult for two main reasons. Firstly the rights do not relate directly to the environment and are not precise enough. The Human Rights Act 1998, for example does not provide for an express environmental right and a right to 'a healthy and adequate environment' is currently highly subjective. Secondly, using human rights to provide assistance in environmental equity depends upon a judiciary familiar with environmental and human rights law as well as experience of the issues raised when dealing with environmental rights.

The use of the Human Rights Act for environmental justice cases is in its early stages. However its potential to attack environmental inequity and act as a catalyst for an environmental justice movement is recognised amongst UK NGOs and government.

## 5.4 A US perspective: the Environmental Justice Movement and the Executive Order

In the United States there the human rights approach to sustainable is best reflected in its strong Environmental Justice movement. The movement began as part of the civil rights movement by ethnic minority groups – black, indigenous and Hispanic community groups – across the USA, culminating in a direct environmental equity movement in the 1980s and 1990s. The main premise of this movement is to achieve equitable distribution of environmental risks across 'racial' and social lines. The movement has strong support and involvement from the most vulnerable in American society, in particular amongst 'people of color'. This developed out of concerns, backed up by much research, that hazardous installations such as toxic waste dumps and polluting factories were mostly sited in areas where most of the population were poor and from ethnic minority groups. As a result minority neighbourhoods were suffering from the disproportionate impact of industrial and hazardous waste facilities.

The movement calls for a fair treatment: this implies that no person or group of people should shoulder a disproportionate share of the negative environmental impacts resulting from the execution of domestic and foreign policy programs.

In 1992, as a direct response to calls for laws on environmental equity, the US Environmental Protection Agency created an Office of Environmental Justice.

In February 1994 President Clinton signed Executive Order 12898, 'Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations'. The Order recognises that right for any one group, in particular minority and low income populations not to suffer 'the disproportionately high and adverse human health or environmental effects of their programme's, policies and activities'. As a result of the Order the Environmental Protection Agency has a environmental justice strategy in operation.

## 6. Globalisation and rights

Many environmental problems have international causes, and in recent years many organisations have become concerned about the consequences of economic globalisation and the inequitable sharing of the earth's resources. The complex pressures of globalisation have resulted in increased influence of international markets and changed macro-economic structures and national policies, with new pressures on natural resources and eco-systems, and the development of unsustainable levels of consumption. There has been little attempt at an international level to address the long-term environmental costs of these destructive policies on sustainable human development.

While the desire to open new markets for those currently excluded may be an acceptable aim, it is the case that there have been a number of cases where trade liberalisation has cut across national attempts to improve environmental quality. The use of international law to undermine environmental action has been a factor in generating much of the opposition to globalisation and has led to a loss of confidence in international institutions.

It is suggested that one way to ensure that such globalisation is properly controlled is to strengthen international organisations. We believe there is a need for stronger international environmental organisations and agreements, and we recognise the work being done by many bodies to consider whether it is best to strengthen existing bodies or to develop some new structure.

Whatever happens we believe that if such organisations are to have real powers they will need to be rooted in international law and in human and environmental rights. We therefore suggest that adoption of international environmental rights should be part of the process of ensuring that globalisation is controlled so that it leads to sustainability.

## 7. Towards the 2002 World Summit on Sustainable Development

By the time of the UN Rio + 5 Special Session in 1997 there was a recognition that many of the key issues were not being adequately addressed, that funding that was central to turning Agenda 21 into a real programme of action was not being made available, and that governments were failing to implement what they had signed up to. Work towards the 2002 Summit has therefore developed with a much more limited perspective that pre-Rio.

Central to this work is a recognition that ten years on many of the key indicators continue to worsen, and that action on poverty will need to be central to anything that

emerges from 2002. The issue of human and environmental rights is entirely supportive of that work, with a recognition that the poorest overwhelmingly live in the worst environments and that issues such as safe water and food security are central to work on both poverty and environment.

For these reasons ANPED and other NGOs are seeking firstly to get environmental and human rights on the agenda for the UN 2002 World Summit on Sustainable Development, to be held in Johannesburg. This has been supported by other agencies and by recent developments.

This year the United Nations Commission on Human Rights reaffirmed that human beings are at the center of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature. The UNCHR have also affirmed this year that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them. In addition they have called for a joint seminar with UNEP promoting and protecting human rights and environment in the framework of Agenda 21. Such a seminar would be an important first step.

The ANPED initiative seeks an agreement at Johannesburg that the UN should set the UN Commission on Human Rights (UNCHR) and the UN Environmental Programme (UNEP) to work together to develop, in consultation with governments and civil society, a set of environmental and human rights, to take these forward as a draft convention and to bring this to the UN General Assembly for agreement.

The Environment Liaison Centre international in Kenya has identified several reasons why such a move is important.

A new Convention is needed in order to:

1. Recognise the multiplicity and complexity of factors on environmental degradation
2. Provide for a more diplomatic and meaningful approach to environment and human rights.
3. Acknowledge that effective and long-term conservation requires approaches that address socio-economic factors.
4. Ensure that social, political and economic goals should not take precedence over environmental goals.
5. Design a supportive international process to create a link to human rights through the available processes of technical and financial support.
6. Create a systematic approach to improve the role of civil society in the conservation of biodiversity as the effects of globalization spreads.

ANPED is not seeking under any circumstances to amend or open for discussion the UN Declaration of Universal Human Rights. There is also a need to encourage governments throughout the world to consider environmental rights within their nations and to strengthen or establish legal frameworks which will help deliver those rights to all citizens. A further step for the UN would be to appoint of a Special Rapporteur on Human Rights and Environment who would review the situation, receive

national reports (from civil organisations and states), and help develop appropriate legal instruments.

## 8. Conclusions

Current environmental issues require new approaches. The linking of human rights to environmental priorities is an acknowledgement that conservation will not be successful without human development. A range of diverse actions are required at both national and international level, with inalienable human rights providing the basis for such action.

Such an approach requires a new focus on governance and accountability, and provides the underlying principles to support that focus. New rights under Principle 10 of the Rio Declaration will strengthen the role of civil society, enabling national and local organisations to play their part in that governance and to influence resource use and allocation more effectively.

The links between human welfare and resource exploitation are strong. These links need to be openly addressed to provide a common base under international law for all future action on sustainable development. While rights issues have been divisive in the past the multiplicity of national actions in this field suggest that this may be a common basis for action. Even if there is not agreement on these key issues it is important that a public debate takes place at the highest level so that all those interested can see where the agreements and disagreements exist.

ANPED believes that a solid body of support exists for this positive step forward. We further believe that it could inspire and encourage many groups to become involved in the 2002 process and to contribute their energies and commitment to achieving positive outcomes. ●

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## Appendix 1 – DRAFT PRINCIPLES ON HUMAN RIGHTS AND THE ENVIRONMENT

*(as included in the 1994 Special Rapporteur's  
Report to the UNCHR)*

### Preamble

**Guided by** the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action of the World Conference of Human Rights, and other relevant international human rights instruments,

**Guided also by** the Stockholm Declaration of the United Nations Conference on the Human Environment, the World Charter for Nature, the Rio Declaration on Environment and Development, Agenda 21: Programme of Action for Sustainable Development, and other relevant instruments of international environmental law,

**Guided further by** the Declaration on the Right to Development, which recognizes that the right to development is an essential human right and that the human person is the central subject of development,

**Guided by** fundamental principles of international humanitarian law,

**Reaffirming** the universality, indivisibility and interdependence of all human rights,

**Recognizing** that sustainable development links the right to development and the right to a secure, healthy and ecologically sound environment,

**Recalling** the right of peoples to self-determination by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

**Deeply concerned** by the severe human rights consequences of environmental harm caused by poverty, structural adjustment and debt programmes and by international trade and intellectual property regimes,

**Convinced** that the potential irreversibility of environmental harm gives special responsibility to prevent such harm,

**Concerned** that human rights violations lead to environmental degradation and that environmental degradation leads to human rights violations,

**Declare** the following principles:

### Part I

1. Human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible.
2. All persons have the right to a secure, healthy and ecologically sound environment. This right and other human rights, including civil, cultural, economic, political and social rights, are universal, interdependent and indivisible.
3. All persons shall be free from any form of discrimination in regard to actions and decisions that affect the environment.
4. All persons have the right to an environment adequate to meet equitably the needs of present generations and that does not impair the rights of future generations to meet equitably their needs.

### Part II

5. All persons have the right to freedom from pollution, environmental degradation and activities that adversely affect the environment, threaten life, health, livelihood, well-being or sustainable development within, across or outside national boundaries.
6. All persons have the right to protection and preservation of the air, soil, water, sea-ice, flora and fauna, and the essential processes and areas necessary to maintain biological diversity and ecosystems.
7. All persons have the right to the highest attainable standard of health free from environmental harm.
8. All persons have the right to safe and healthy food and water adequate to their well-being.
9. All persons have the right to a safe and healthy working environment.
10. All persons have the right to adequate housing, land tenure and living conditions in a secure, healthy and ecologically sound environment.

11. (a) All persons have the right not to be evicted from their homes or land for the purpose of, or as a consequence of, decisions or actions affecting the environment, except in emergencies or due to a compelling purpose benefiting society as a whole and not attainable by other means.
- (b) All persons have the right to participate effectively in decisions and to negotiate concerning their eviction and the right, if evicted, to timely and adequate restitution, compensation and/or appropriate and sufficient accommodation or land.
12. All persons have the right to timely assistance in the event of natural or technological or other human-caused catastrophes.
13. Everyone has the right to benefit equitably from the conservation and sustainable use of nature and natural resources for cultural, ecological, educational, health, livelihood, recreational, spiritual and other purposes. This includes ecologically sound access to nature.  
Everyone has the right to preservation of unique sites consistent with the fundamental rights of persons or groups living in the area.
14. Indigenous peoples have the right to control their lands, territories and natural resources and to maintain their traditional way of life. This includes the right to security in the enjoyment of their means of subsistence.  
Indigenous peoples have the right to protection against any action or course of conduct that may result in the destruction or degradation of their territories, including land, air, water, sea-ice, wildlife or other resources.

### Part III

15. All persons have the right to information concerning the environment. This includes information, howsoever compiled, on actions or courses of conduct that may affect the environment and information necessary to enable effective public participation in environmental decision-making. The information shall be timely, clear, understandable and available without undue financial burden to the applicant.
16. All persons have the right to hold and express opinions and to disseminate ideas and information regarding the environment.
17. All persons have the right to environmental and human rights education.
18. All persons have the right to active, free and meaningful participation in planning and decision-making activities and processes that may have an impact on the environment and development. This includes the right to a prior assessment of the environmental, developmental and human rights consequences of proposed actions.
19. All persons have the right to associate freely and peacefully with others for purposes of protecting the environment or the rights of persons affected by environmental harm.

20. All persons have the right to effective remedies and redress in administrative or judicial proceedings for environmental harm or the threat of such harm.

### Part IV

21. All persons, individually and in association with others, have the duty to protect and preserve the environment.
22. All States shall respect and ensure the right to a secure, healthy and ecologically sound environment. Accordingly, they shall adopt administrative, legislative and other measures necessary to effectively implement the rights in this Declaration.  
These measures shall aim at the prevention of environmental harm, at the provision of adequate remedies, and at the sustainable use of natural resources and shall include, inter alia,
  - Collection and dissemination of information concerning the environment;
  - Prior assessment and control, licensing, regulation or prohibition of activities and substances potentially harmful to the environment;
  - Public participation in environmental decision-making;
  - Effective administrative and judicial remedies and redress for environmental harm or the threat of such harm;
  - Monitoring, management and equitable sharing of natural resources;
  - Measures to reduce wasteful processes of production and patterns of consumption;
  - Measures aimed at ensuring that transnational corporations, wherever they operate, carry out their duties of environmental protection, sustainable development and respect for human rights; and
  - Measures aimed at ensuring that the international organizations and agencies to which they belong observe the rights and duties in this Declaration.
23. States and all other parties shall avoid using the environment as a means of war or inflicting significant, long-term or widespread harm on the environment, and shall respect international law providing protection for the environment in times of armed conflict and cooperate in its further development.
24. All international organizations and agencies shall observe the rights and duties in this Declaration.

### Part V

25. In implementing the rights and duties in this Declaration, special attention shall be given to vulnerable persons and groups.
26. The rights in this Declaration may be subject only to restrictions provided by law and which are necessary to protect public order, health and the fundamental rights and freedoms of others.
27. All persons are entitled to a social and international order in which the rights in this Declaration can be fully realized.

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