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## Human Rights and Environmentalism: Forging Common Ground

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# HUMAN RIGHTS

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# BRIEF

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## Human Rights and Environmentalism: Forging Common Ground

by Gabriel Eckstein & Miriam Gitlin

At its annual meeting held in February and March of this year, the United Nations Commission on Human Rights declined to adopt the recommendation of Special Rapporteur, Madame Fatma Zohra Ksentini, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to appoint a Commission-level rapporteur to investigate the link between human rights and the environment. This nonfeasance was due in great part to the reluctance of industrialized nations to unite human rights and environmental protection efforts within a common agenda. Instead, the Commission called for the Secretary-General to conduct further study of the issues raised in the Special Rapporteur's report. Many environmental and human rights organizations were disappointed by this outcome as they considered the substantive aspects of the report to have been already fully discussed.

Since the early 1970s, the international community has widely acknowledged the nexus between human rights and environmental protection. References to this association, and even to a human right to some minimal quality of environment, can be found in numerous international instruments. The Stockholm Declaration

on the Human Environment, for example, proclaims that human beings have 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." Similarly, the Additional Protocol to the American Convention on Human Rights states that "everyone shall have the right to live in a healthy environment."

Despite this widespread acknowledgment of the relationship between human rights and environmental protection, the convergence of these two ideals has remained primarily as an academic issue. On the practical level, efforts to develop a comprehensive strategy for addressing common themes, by both human rights and environmental activists, have been overshadowed by the individual needs and goals of each community.

Much of the difficulty in developing a cooperative initiative centers on the differing perspectives from which activists from both fields view the salient issues. Many human rights proponents contend that environmental protection can only be properly regarded as subsumed within the rubric of human rights law. Although environmentalism is aimed at preserving the world's flora and fauna, human rights activists contend that it is humankind which is the ultimate beneficiary. On the other hand, contemporary environmental philosophy rejects this anthropocentric bias towards the individual, arguing that such utilitarian views of environmental protection would submit all non-human

## Europeans Disagree Over Human Rights Conditions at Home

by Peter H. Backes

As a result of intense controversy over the content of the European Parliament's (EP) draft of the annual human rights report for 1993, the Parliament's President, German Social Democrat Klaus Haensch, recently agreed with the leaders of EP factions to withdraw the report from open debate on the floor of the Parliament. Although the controversial report was passed as a draft by the Parliament's Committee for Domestic Affairs in December 1994, and had already been widely discussed by the European media, it was declared confidential and is no longer available for public dissemination.

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aspects of nature to an oversimplified cost-benefit evaluation. Staunch environmentalists consider the intrinsic value of nature as worthy of protection of its own right, and contend that whereas human beings are but one component of a complex global ecosystem, human rights should be encompassed within the broader goal of preserving nature in its entirety.

On a more functional level, Neil Popovic of the Sierra Club Legal Defense Fund (SCLDF) believes that the lack of cooperation is due in part to the fact that "many of the traditional human rights groups have narrowly defined mandates." He notes as an example that Amnesty International focuses primarily on issues related to torture and prisoners of conscience. Similarly, environmental groups like Greenpeace are constrained to work within their own self-limiting criteria and objectives.

Juan Mendez of Human Rights Watch believes, however, that these organizations' narrow mandates are not necessarily counter-productive. He contends that "we need to have a limited mandate in order to be effective," otherwise the organization's efforts "will be completely diluted." Similarly, Dinah Shelton, Santa Clara University College of Law Professor, asserts that, "if everyone was trying to do the same thing, there would be a lot of wasted energy."

Shelton also believes that the more dominant barrier to cooperation among environmentalists and human rights activists "is not so much the scope of the mandates as the lack of knowledge about

receptive to expanding their mandates. According to Joe Eldridge of the Lawyers Committee on Human Rights, there are those in both communities who are interested in learning from each other's experiences. Shelton explains that where the human rights and environmental protection groups have converged, they have "used each other's disciplines as mechanisms for achieving their own ends. In other words, human rights groups have begun to use environmental protection mechanisms to advance specific human rights, and environmentalists have begun to use human rights mechanisms for protecting the environment." When human rights groups, for example, decided to address the impact of World Bank development policies on human rights, they adapted strategies used by environmentalists to lobby for the reform of the Bank.

This exchange of strategies has been especially prominent in cases related to the plight of indigenous peoples. SCLDF, for instance, is currently arguing a case before the Inter-American Court of Human Rights, on behalf of Ecuador's indigenous community, that calls for a moratorium on oil exploration in parts of the country. SCLDF contends that such operations may result in severe environmental degradation, which, in turn, may interfere with the ability of the indigenous population to maintain its traditional way of life.

Although this interaction may safeguard indigenous peoples' communal rights to a certain way of life, the exchange of strategy does not address the individual human rights of indigenous peoples, such as the right to property or health, within the context of their environment. Similarly, when human rights mechanisms are used to resolve individual human rights abuses perpetrated against indigenous communities, they often are inadequate to deal with the underlying environmental context of the violations. As an example, Mendez concedes that the objections of Human Rights Watch to the Brazilian government's violent response to the protests of the Macuxi Indian, who were evicted from their traditional homeland to make way for a hydroelectric project, focussed solely on the protestors' civil rights. The organization did not consider or address the underlying issues of the Indians' existence in their traditional forest home or the state of that home.

Cases involving indigenous peoples, however, do not fully address the issues at the crux of the debate on the integration

of human rights and environmental protection principles. Rather than grapple with the underlying premise that each individual member of humanity should have the right to maintain a certain quality of life as a result of adequate environmental conditions, the cases tend to focus on the indigenous peoples' right to maintain a traditional way of life as a community dependent on their surrounding environment.

Fundamental to the nexus of human rights and environmental protection is the premise that the two areas enjoy a symbiotic relationship. The Draft Declaration of Principles on Human Rights and the Environment, which was attached to the report of the Special Rapporteur, provides that "human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivis-

It would be "short-sighted to try to exclude the environmental component from the human rights agenda," and vice versa as "the protection of one leads to the protection of the other."

ible." Concurring with this declaration, Popovic adds that there is a reciprocal relationship between human rights and environmental protection. He argues that it would be "short-sighted to try to exclude the environmental component from the human rights agenda," and vice versa as "the protection of one leads to the protection of the other."

To the extent that pollution and other forms of environmental degradation endanger life, health, food, and shelter, they also constitute a threat to established human rights. It is easily conceived that conditions of serious water or air pollution can cause significant health concerns, such as dysentery, typhoid, asthma, birth defects, and cancer, and may even result in death. Equally, where human rights guarantees are most lacking, such as in many developing nations, efforts aimed at preserving the environment are typically at their weakest. President Bill Clinton acknowledged this viewpoint in a 1992 pre-election speech: "It is no accident that in those countries where the environment has been most devastated, human suffering is the most severe; where there is free-

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"Human rights groups have begun to use environmental protection mechanisms to advance specific human rights, and environmentalists have begun to use human rights mechanisms for protecting the environment."

both subjects." She claims that few environmental groups have expertise in human rights issues and few human rights groups have the knowledge to address environmental concerns.

Nevertheless, some environmental and human rights organizations have been



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dom of expression and economic pursuit, there is also determination to use natural resources more wisely."

One area in which human rights groups and environmentalists have succeeded in presenting a unified front is in the social justice arena. This field encompasses such concerns as development, peace, and poverty; issues that both camps have realized must be addressed before their own agendas can be furthered. Within this context, reform of the World Bank,

"The application of human rights law and institutions to environmental problems is really no more than a new way of thinking about well-established concepts."

seen as fundamental to the alleviation of much of the social plight of the develop-

ing world, constituted a shared agenda on which environmentalists and human rights activists combined to campaign on common ground.

The integration of the mandates of both communities, however, remains the unresolved challenge. Popovic contends that "the application of human rights law and institutions to environmental problems is really no more than a new way of thinking about well-established concepts." The same can be said for the use of environmental law to address basic human rights conditions. The refusal to adopt this new perspective, however, has led the United States and other industrialized nations to oppose the integration of environmental rights and human rights into a common agenda. They claim that the human rights plate is already overburdened and the addition of new rights would be counter-productive and would dilute the impact of current human rights and environmental protection efforts. They also question whether environmen-

tal issues can be appropriately and adequately addressed by the human rights legal regime and vice versa. Nevertheless,

"If environmental rights were formally recognized, no country in the world, neither North nor South, would be invulnerable to accusations of human rights abuses."

these nations' discomfort with the merger of human rights and environmental protection may have an alternative rationale. According to Popovic, "if environmental rights were formally recognized, no country in the world, neither North nor South, would be invulnerable to accusations of human rights abuses." ☸

## ALUMNUS PROFILE

### Alumnus Pursues Human Rights Through Democratization

by Karen Graziano

Santiago Canton, LL.M. '89, a native of Argentina and a graduate of the University of Buenos Aires Law School, began his career at the National Democratic Institute (NDI) for International Affairs as an intern during his first semester at the Washington College of Law (WCL). Canton is now Director of NDI's Latin American Program.

As a student Canton was interested in human rights as well as international and criminal law. "This combination of interests led me directly to democratization and NDI," says Canton. "To work on promoting human rights was a goal of mine," he explains, "and now I achieve this goal every day at work."

NDI's mission is to promote democracy in concrete ways throughout the world. It currently manages democratic development programs in more than 80 countries, including 11 in Latin America and the Caribbean. NDI trains political parties in organizational skills, reviews election processes and teaches local people monitoring techniques, strengthens local governments through training programs, and seeks to improve relations between civil and military leaders. "The people in

the country request NDI training and support, and we offer them our expertise and that of people from all over the world who have had similar experiences in their own countries."



Santiago Canton with President Jimmy Carter

According to Canton, democratization in the 80's was more profound than in the past, especially in the Western Hemisphere. He explains that the distinguishing factors are the increasingly positive role of the international community, "cleaner" elections, a better understanding of the military, and, above all, the participation of local people through civic groups, which instills human rights into

the very fabric of a country's institutional structure. Canton respects people such as these who have lived with fear and oppression for decades, yet have the courage and strength to fight peacefully for democracy.

Canton's most memorable experience with NDI occurred while working with former President Carter in the Dominican Republic: "A man came up to a member of our delegation, and asked that we thank President Carter, who had saved his life by pressuring the Uruguayan dictatorship to respect human rights while he was a political prisoner. Experiences like these," says Canton, "make you realize the positive role you can play in another person's life, and motivate you to try all the harder to achieve that goal."

Six years after obtaining his LL.M., Canton looks back fondly on his experience at WCL. He attributes his own achievements to his LL.M. studies and the guidance of Professors Grossman and Goldman. "When you have the best there are in the field of human rights as your mentors, your eyes open up to a completely different world," he says. ☸