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Introduction

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FORDHAM ENVIRONMENTAL LAW REVIEW

FOURTEENTH ANNUAL SYMPOSIUM

ENVIRONMENTAL PROTECTION AND HUMAN RIGHTS IN THE NEW MILLENNIUM: PERSPECTIVES, CHALLENGES, AND OPPORTUNITIES

INTRODUCTION

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The current symposium issue of Fordham's Environmental Law Review could not be devoted to a more topical and challenging subject. Fordham's choice to focus on the relationship between the protection of the environment and human rights in the 21st century is a testament to the School's excellence and leadership in both environmental and human rights law. The symposium and this volume are the proud product and achievement of the intellectual and vibrant student body editing Fordham's Environmental Law Review and of their hard work and dedication.

The linkages between the environment and human rights have long been recognized and are now well established. From 1972, when at Stockholm the United Nations Conference on the Human Environment declared that "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,"¹ to the 1992 United Na-

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1. U.N. Conference on the Human Env't, June 5-16, *Declaration of the United Nations Conference on the Human Environment*, proc. 1, U.N. Doc. A/Conf.48/14 (June 16, 1972).

tions Conference on Environment and Development where, in Principle 1 of the Rio Declaration, States affirmed that "Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature,"² to the present day, the undisputed interdependence between the environment and human rights has been widely accepted.

Many questions, old and new, however, still persist. Fordham's symposium, and the resulting volume, represents a timely contribution to the scholarly debate. For example, is it possible, or indeed desirable, to protect the environment through human rights instruments? Is a human rights approach to environmental protection anthropocentric in nature and, therefore, at risk at relegating the environment to a subsidiary role? Is it necessary to have a "new", "specific" and "separate" human right to a clean environment? How can such a right be clearly defined? Furthermore, should we talk about "a" human right to a clean environment, or should we discuss "environmental rights" more generally, or simply the "environmental dimension" of existing human rights?

These and many other questions are addressed in the current issue, which presents the reflections of some of the leading scholars in the field. In his article, Alan Boyle provides a "reassessment" on some fundamental and general questions in the debate on human rights and the environment. Joanna Harrington discusses the challenges and opportunities that a human rights framework offers in the fight against global warming reflecting on the petition against the United States lodged by the Inuit Circumpolar Council with the Inter-American Commission on Human Rights. Malgosia Fitzmaurice provides an insightful analysis on the right to water, discussing its contentious nature and providing an interesting examination of the relevant practice. Finally, Jona Razzaque offers her perspective on the experience(s) gathered from litigation in South Asia on the link between human rights, the environment and development.

This volume sheds light on the debate and provides further food for thought. The human rights and environment debate is, in fact, constantly evolving. Whilst some may still debate the existence of a general human right to a clean environment, or of a human rights approach to environmental protection, others are suggesting that new

2. U.N. Conference on Env't and Dev., June 3-14, 1992, *Report of the United Nations Conference on Env't and Dev't*, princ. 1, U.N. Doc. A/CONF.151/26 (Aug. 12, 1992).

environmental threats, for example global warming and the increasing energy pressure and demand that are causing it, may require the creation of specific “environmental” rights: either a right to energy; a right to energy services; or an even more narrow right to renewable energy.

The powerful rhetoric of human rights law and language are a strong ally in the protection of the environment. The rapidly increasing deterioration of our planet calls for the development of new legal concepts, categories and tools, and for the creative and innovative use of existing ones. Environmental degradation is a cause of human rights violations and a human right violation in itself: the tragic situation in Darfur bears witness to this statement. Furthermore, human rights abuses exponentially increase the risk of environmental damage. There have been and will be several questions on how best environmental law and human rights law can coexist and simultaneously achieve their stated goals and objectives. There have been and will be many more debates on the best approach to protecting the environment through human rights instruments. This symposium has, hopefully, clarified the existing terms of this debate and contributed to furthering the quest for answers and solutions. It has also firmly established one undeniable truth: the inextricable link between human rights and the environment. On one hand, there are no human rights without a healthy environment and planet where they can be exercised. On the other hand, a healthy and clean environment can be better ensured in a human rights compliant framework.

