

A CRITIQUE ON THE CONSTRUCTION OF ENVIRONMENTAL RIGHTS AS A HUMAN RIGHT IN PAKISTAN: A NEW DIMENSION IN THE 21ST CENTURY

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ABSTRACT

Access to a clean, safe and healthy environment is an inalienable human right. The expansion of human rights paves the way for environmental perspectives of humanity and developed distinctively regarding planetary ecology and human liberty. The 'right to life' is envisaged in the international and domestic legal framework and later on developed through judicial interpretations have recognized the environmental right as a fundamental human right. For decades, international institutes and organizations have been working for the protection of the environment through diverse legal regimes and have been successful in declaring them interconnected fields. However, the lack of implementation mechanisms concerning a healthy environment is the colossal impediment that has adversely impacted the communities who seek out redress, through the judicial or non-judicial machinery. This paper examines the correlation between human rights and the environment and its interpretation by the courts. It argues that due to the importance of environmental laws there is a dire need for the effective implementation of the existing legal regime. Furthermore, this paper highlights the lacunas in the international and domestic legal framework of environmental laws and dwells upon a few strategies to counter the negative impacts of environmental degradation on human beings while discussing jurisprudential development in Pakistan.

Keywords: Environmental Rights, Human Rights, UDHR, Precautionary Principle, Pakistan

1. INTRODUCTION

The right to a clean, safe and healthy environment is imminent for human existence and has been incorporated into a national and international legal framework around the world. However, continuous exposure of human beings to environmental pollutants has yet not been addressed and this incapacity of providing a safe environment leads to a breach of the minimum standards of the mortal existence of humans. Therefore, human rights give prominence to the right to have a clean and safe environment and consider it a prerequisite for the enjoyment of a series of human rights. More recently, the UN General Assembly made history on 28th July 2022, when it declared that "everyone has the right to a clean, healthy, and sustainable environment".

Undoubtedly, in the past few years, the international community has become more concerned about environmental protection; attention has been paid to curtailing the dangers faced by human beings due to environmental deterioration and climate change. This shift has been witnessed from individual responsibility to collective responsibility. The United Nations resolution 43/53 recognized the environment as a 'common heritage of mankind'. Therefore, the responsibility for the protection of the environment now devolves to every state equally. The states should assume collective responsibility for the protection of the environment.

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Moreover, access to a safe and healthy environment is an inalienable human right thereby the states should safeguard these human rights and provide inter and intra-generational equity which is directly connected to a clean and safe environment. The environment is defined as “the complex physical, chemical and biotic factors that affect the organism and ecological community that ultimately impact its survival”. According to this definition, the responsibility of environmental protection cannot be reduced to a few states, as states jointly own the environment.

The Need for the Development of Environmental Laws

The advent of technological advancement and industrialization caused a paradigm shift; the international community is now aimed at ensuring equilibrium between global economic expansion and the conservation and protection of the environment. The environmental laws that were initially limited to defining the river boundaries, preserving fishing rights, and protecting exotic animals are now focused on pollution control, conservation of habitats, and protection of mineral resources.

The work on international environmental laws began in the early 1970s; the first milestone in the history of environmental laws is the UN Stockholm Conference in 1972 which put environmental challenges on the table before the international community. This convention was considered an umbrella document in providing a framework for environmental protection by outlining the main issues, and also UN adopted the United Nation Environment Programme (UNEP) at this conference (Sand, 2015). UNEP is a body under the UN responsible for effective execution of environmental laws. There were a few bilateral and regional agreements among states concerning environmental protection before the creation of UNEP however; this was the first initiative for revolutionizing and consolidating the laws on environmental protection. The main objective of the 1972 conference was that a safe and healthy environment is essential for the enjoyment of life and the first principle of the aforementioned, conference reiterates this point. UNEP has developed numerous conventions for environmental protection in particular the 1985 Vienna Convention for the Protection of Ozone Layer and the 1987 Montreal Protocol and the Convention on Biodiversity in 1992. Furthermore, the UN Economic and Social Council (ECOSOC) also established the UN Commission on Sustainable Development (CSD). It was a three-year program to supervise international bodies regarding environmental protection. The commission made annual reports and provided a minimum standard of protection to the state parties. After the success of the commission, Global Environment Facility was established that undertook the Global Environmental Project. The commission provided funds and grants to the developing states for ensuring compliance with the minimum standards of environmental protection.

The Stockholm Conference began to emplace the environmental laws for the environment for sustainable living, and then the Rio Declaration was adopted which reaffirmed the objectives of the Stockholm declaration and focused on increasing global cooperation for environmental conservation and protection. Principle 1 of the aforementioned convention stated that sustainable development aims to provide human beings with a healthy environment. However, this definition was inconclusive and vague and the conference was more oriented towards the sovereign rights of states over the individual rather than the protection of the environment.

Moreover, the report on Prevention of Discrimination and Protection of Minorities 1994 postulates that sustainable development of human beings is interconnected with an ecologically sound environment thus every person has a right to a safe and healthy environment. In addition, this is a universal and indivisible right like other social, civil, political, and cultural rights. Similarly, the Kyoto Protocol 1997, which operationalizes the UNFCCC to establish a balance in the environment by committing industrialized states to limit their greenhouse gas emissions (GHGs). This protocol only binds the developed states under the principle of “common but differentiated responsibility and respective capabilities” as they are largely responsible for the high-level emissions of GHGs emissions in the environment.

The Aarhus convention 1998 is an actual breakthrough in environmental protection laws and it affirms a link between human rights and the environment. In addition, the conservation of the environment is essential for safeguarding fundamental human rights. Article 1 of the said convention discusses the individual’s right to access environmental justice and Art 9 provides for a review procedure.

Likewise, the Paris Agreement adopted in 2015, is the first major agreement, which provided member states with concrete measures to combat global warming for the welfare of humanity, and is legally binding on the member states.

The Minamata Convention on Mercury 2017 deals with mercury pollution and aims at reducing its impact to ensure a toxin-free environment. The lack of an environmentally sound management system for the disposal of chemical wastes can have a long-lasting effect on human health and the environment, and this in turn impacts our human right to live in a clean environment.

More recently, a resolution to End Plastic Pollution 2022 was signed in Nairobi. The goal of this resolution is to reduce plastic pollution because it not only threatens our environment but also pose a risk to human, as every stage of the plastic lifecycle impact human rights.

Intrinsic Link between Human Rights and Environment

With rapid industrialization and economic growth, the degradation of the environment has also increased. It has negatively affected the environment by causing irreversible damage to the ecology of the world, including ozone depletion, global warming, and marine pollution. There is an intrinsic link between the environmental protection and human rights. The cardinal principles of human rights including the right to life and development cannot be realized in absence of a healthy environment. Although various human rights standards and instruments provide significant guidance for states to respect all internationally recognized human rights, however, states have failed to comply with the minimum standards of environmental protection provided under the Stockholm conference and Rio declaration.

The Stockholm declaration first raised concerns about environmental degradation in 1972; emphasis was placed on the states' cooperation for the protection of the environment and the well-being of the people around the world. In 1989, Hague Declaration expressly acknowledged that “everyone has a right to live in a viable global environment” (Zaelke & Cameron, 1990). Additionally, the UN Special Rapporteur on Human Rights and Environment recently determined that everyone has the right to live in a clean, healthy, and sustainable environment. This right will catalyse for systematic and transformative changes to produce a just and sustainable future in harmony with nature (David, 2022). As mentioned above, on 28th July 2022, UN General Assembly adopted a resolution declaring that “everyone on the planet has a right to a clean, healthy and sustainable environment as an inherent right”. This significant development is recognizing the intrinsic link between fundamental human rights and the conservation of the environment in the 21st century. The right to have a clean, safe and healthy environment endorses the fundamental principle that current and future generations are entitled to enjoy life freely and with choices.

It is preferable to state that human existence is dependent on the environment. From a legal perspective, there is a direct correlation between the protection of the environment and the right to life. The United Nations Comment No. 36 on Article 6 of ICCPR asserts that the right to life includes the right to a healthy environment coupled with the right to a clean, safe and healthy environment. (Refugees, 2019)

The fact that universal rights like adequate standards of living, clean food, and appropriate health care have an intrinsic link with a clean environment and this right is now being recognized as a human right. However, there is an element of vagueness and ambiguity in the definition of environmental rights and it is subject to various interpretations. There is a consensus among the international and national community that a clean environment is indispensable for the right to life. Moreover, member states of the United Nation Environment Program (UNEP) recognize environmental rights as human rights.

It is pertinent to mention that right to a healthy environment has been implicitly recognized by numerous states as a fundamental essence of the right to life. In addition, a report by the Environmental Law Institute and the UNEP concludes that more than a dozen states have incorporated an express provision for the right to a healthy environment in their constitutions.

Environmental Protection in Terms of Right to Life

The right to life is recognised as an inalienable right in both the United Nations Charter and the International Bill of Human Rights (UDHR, ICCPR, and ICESCR). The right to life is subject to a wide range of interpretations, and over time, the law has evolved to reflect these developments. The right to life has been enlarged to encompass the right to a safe, healthy, and sustainable environment so that one can fully enjoy life rather than just exist in a vegetative condition, in addition to the right to be protected against unlawful killing.

The sustenance of human life depends on a healthy biosphere (the zone of the earth consisting of all living organisms), as everything is interconnected and interdependent. However, the constant

depletion of natural resources, exploitation of ecosystems, and deteriorating biodiversity is making the survival of human beings on this planet difficult. The rapid increase in environmental pollution is posing a threat to human life by damaging the environment, which in turn is disrupting the natural balance of the ecosystem and making it difficult to live by affecting the right to life. A healthy ecosystem is directly proportional to a healthy life, as it not only regulates the climate of the earth by purifying it but also ensures clean air to breathe, drinkable water, and the production of healthy food.

Environmental pollution and Human Rights

Environmental pollution is defined as the contamination by the introduction of unnatural substances into the environment that changes the chemical and physical composition of the ecosystem which harms human beings (Ansari et al.). Environmental pollution has a prolonged and detrimental effect on human life; it impairs the enjoyment of those rights, which are intrinsically intertwined with the primary right to life, health, adequate living standards, education, food, and the right to development, etc.

The environment and human health have an inextricable relationship with each other; one cannot be considered in isolation from the other. It is important to understand their interdependence, as environmental pollution is a major global threat to the sustenance of human beings and other living creatures. Environmental pollution is directly proportional to industrialization as developing countries are greatly focusing on industrialization therefore; they are a major contributor to environmental pollution. Environmental pollution is generally categorized as air, water, and land pollution since all three components of the ecosystem are essential for the survival of human beings. A healthy environment is essential for the preservation and protection of human life following are the major types of environmental pollution and their impacts.

- a) **Air pollution:** There is a significant link between the air quality and the health of a human being as breathing is essential for the survival of humans and animals. We breathe in the air to live as we take oxygen from the air and get rid of carbon dioxide but air pollution has adversely affected the atmospheric composition around the globe causing several respiratory problems in people that include asthma, and other allergies. According to WHO air pollution caused about 7 million premature deaths annually. This is evident from intensive scientific research that a clean environment is integral for human survival. The 36 UN General Comment on Article 6 of ICCPR states that the right to life entails the right to a healthy environment. Moreover, according to a recent study regarding the relationship between the novel coronavirus and air pollution, researchers at Harvard T.H. Chan School of Public health have observed that air pollution can make increase the vulnerability of individuals to fight viruses and air pollution can increase the chances of getting COVID-19 by 11%. Thus, the world as a whole has to take a serious approach to eradicate air pollution and ensure cooperation to limit environmental pollution.
- b) **Water pollution:** The human body is made up of 70% of water and it is a vital element for the welfare and protection of humans. However, according to WHO and UNICEF's recent analysis around '785 million' people are unable to access drinkable water which implies that every 1 in 3 people lacks access to clean water to drink. Industrial and domestic water discharge is the main contributor to polluting the water, which not just makes the water harmful for drinking but contaminates land produce as well.
- c) **Land pollution:** Solid waste is the main reason for promoting environmental pollution. The increase in population and rapid industrialization have resulted in a massive accumulation of solid waste that will take hundreds and thousands of years to decompose. As a consequence, the world is facing a waste management crisis, especially in developing states. There is a lack of proper waste management mechanisms for solid waste. The water contamination further results in several diseases like diarrhea, cholera, dysentery, etc. For these reasons, there should be proper laws that deal with solid waste disposal. The international community lacks proper legislation for solid waste management but the 1972 London Convention prohibits the state parties from dumping waste at seas for the preservation and safety of marine life.

International Law and the Right to a Safe and Healthy Environment: New Approaches

International Law relies profoundly on the idea of state sovereignty and the principle of non-intervention in the domestic matters of a state therefore it is generally regarded as 'soft law.' It is appropriate to consider a few approaches for the protection of the environment, and such approaches ought to be founded on the understanding that everyone has an unalienable right to a safe and healthy

environment. Two main approaches are widely accepted namely the state-centric approach and the collective responsibility approach. There are various case laws on the application of both approaches however, the efficiency of one over the other is still an ongoing debate.

1) State-centric Approach

State responsibility is a state-centric classical approach, which postulates that a state could only be held accountable for the environmental damage where the chain of causation can be established. And there is ample evidence to prove that the state has caused substantial damage to the other state to hold her accountable. However, if the state proves to have taken all the relevant precautions under international law and adheres to the minimum standard of care it can escape liability in most cases.

2) Collective Responsibility Approach

This is a recent approach as it propagates the idea that the environment is a global common. It divides the responsibility among every state to protect the environment. They should cooperate and coordinate with each other to preserve and restore the environment by donating funds to developing states to ensure their adherence to international standards of environmental conservation.

International environmental laws although regarded as soft laws nevertheless, the treaties and conventions have adopted two more approaches to impose a basic duty on states, namely the strict liability approach and the due diligence approach. The former approach method held the state accountable if harm is caused despite the precautions and steps taken by the state to ensure environmental protection and the latter approach is mostly incorporated under business and human rights law. If a state has taken all the necessary steps required to prevent the damage or has taken steps to mitigate the impact on human rights but the damage still occurs then they are not held accountable for the loss hypothetically if an international treaty or convention requires a state party to install a filtration plant in furnaces but they can only prevent a fraction of carbon monoxide emission in the atmosphere and still can be dangerous but the state cannot be held liable as was acting in due diligence. This principle is also recognized under principle 15(b) United Nations General Principle on Business and Human Rights 2011 which generally includes prior risk evaluation and precaution for their prevention. This very approach serves as the basis of Business Environmental law.

It is worth mentioning at this point that international environmental protection is a new area and is considered a soft law. Therefore, it is mostly up to the discretion of a state to protect its environment and to draft laws that are complying with the minimum standards of protection in compliance with the Stockholm Declaration and Rio Declaration.

There are various international agencies and non-governmental organizations that are contributing to raising awareness about environmental protection and the motorization of environmental conditions around the globe. One of the most prestigious organizations is World Wild Fund (WWF) which has been working for environmental protection by preserving nature and its creatures. Although there is no international or regional court for environmental protection but International Court of Justice has assumed jurisdiction over their cases only if the treaty provides a jurisdiction clause. Moreover, many treaties emphasize arbitration rather than litigation and cases can only be presented before ICJ after all the local remedies have been exhausted.

Application of International Legal Framework with regard to Environmental Protection

There is a 'collective state responsibility of states to protect the environment. As stated in the International Commission on the River Oder case, the Permanent Court of International Justice held that every riparian state has an equal right in the river, which can be broadly interpreted to include a shared responsibility of states for the protection of river water. This is a fundamental principle of international law that states are held accountable for violating the laws and the victim state should be compensated for the damages. A state should not use its territory in a way that is detrimental to the interests of another state, the court declared in the Island of Palmas Arbitration, because the principle of state sovereignty implies the responsibility to defend others' rights, it is hard to detect the state responsible for causing environmental pollution. Therefore, every state should assume responsibility for the conservation of the environment and prevention of environmental pollution. According to the *Trail Smelter case*, Canada was held accountable for the damage caused by trail smelter to the American trees and crops, and the court concluded that a state should not knowingly use its territory in such a manner that it affects the interests of another state. Furthermore, the recent decision of the ICJ in the case of Costa Rica has been a breakthrough, the court has recognized the compensation for the

environmental damage caused by another state. However, the court has failed to provide a standard for the assessment of the damages.

About the aforementioned case laws, it can be observed that the states own an obligation the protection the environment and they can be held accountable for their action. However, the major lacuna is that environmental law is a soft law since a lot of developing countries that are major contributors to environmental pollution have not ratified international or regional conventions on environmental protection.

More recently, a new landmark judgment on environmental human rights by ECtHR highlighted the new look on the severity threshold for air pollution and in separate opinions, recognition of a right to a healthy environment, views on the need for a self-standing right, and the importance of international environmental law (IEL). It is maintained that environmental protection is a matter of international concern as pollution generated by one state impacts the environment of another state and environmental issues are so widespread that cannot be solved individually by one state. Therefore, state cooperation is necessary as it is hard to determine which state is producing a particular kind of pollution i.e. ozone depletion.

The United Nations General Assembly while drafting laws aimed at striking a balance between state sovereignty and environmental laws is relatively vague. The principles of the Stockholm conference and Rio declaration are self-contradictory for instance the states are allowed to exploit their resources under Principle 21 of the Stockholm Declaration and Principle 3 of the Rio Declaration, however, such exploitation is going to impact the other states such as in case of deforestation. For these reasons, there is an increase in greenhouse gases GHGs, which contribute to ozone depletion, and the damage is not limited to one state as the atmosphere is a common heritage of all. Principle 15 of the Rio Declaration allows states to take precautions according to their resources and have limited liability and this provision is being exploited by the states. In addition, the overall goal of the Paris agreement is not ambitious enough because there is no regularity body to keep countries accountable if they don't honor their carbon reduction commitments.

Pakistan's Compliance with International Standards: The Basic Legislative Framework and the role of the Judiciary

Pakistan is among the few countries whose Constitution does not expressly provide provision for environmental protection, however, Pakistani courts take the lead to fill this vacuum through their judicial decisions. Undoubtedly, this judicial contribution of Pakistani courts is instrumental in promoting the conservation of the environment under the domain of Public Interest Litigation (PIL). After the Stockholm Conference, international concerns regarding environmental protection and sustainable development obliged Pakistan to enact its first legal framework for environmental protection known as the Pakistan Environmental Protection Ordinance (PEPO), 1983. Though this ordinance had a limited scope, however, it established the Pakistan Environmental Protection Council (PEPC) and Environmental Protection Agency (EPA) as institutional structures for the regulation of environmental protection. The 1983 Ordinance was also replaced by the Pakistan Environmental Protection Act (PEPA) in 1997, which is more comprehensive and decisive in terms of environmental protection and fills in legal gaps. The preservation, enhancement, and protection of the environment for Pakistan's sustainable development are mentioned in the PEPA's preamble. Moreover, Environmental Impact Assessment (EIA) under PEPO was further strengthened under the PEPA 1997, which becomes operational under the Environmental impact assessment regulation 2002.

Additionally, the Environmental Protection Agency has the power to issue an environmental protection order to deal with the potential or actual environmental situation concerning any violation under this Act. Similarly, PEPC established under the PEPA 1997 has a role to overview, supervise and coordinate the environmental institution to improve the National Environmental Quality Standards and to make guidelines for the conservation and protection of inhabitants, species, and the conservation of new renewable resources. It also provides and approves comprehensive national environmental policies. It is evident that the Ramsar Convention, the Convention on Biological Diversity, the Basel Convention on the Control of Transboundary Movement of Hazardous Waste and their Disposal 1989, and the Convention on Protection of Marine Life are among the international treaties that Pakistan has signed and ratified to ensure environmental protection. Also, with the growing environmental issues, Pakistan signed and became a member of the Montreal Protocol in 1992 and also a signatory to the UNFCCC in 1992 and ratified the same in 1994. In light of the above, Pakistan signed and ratified to Convention to

Combat Desertification and Drought (CDD) in 1996. The ratification of this convention aimed at combating the issue of desertification and mitigating the effects of drought in the country.

Judicial Construction of Environmental Rights as a Fundamental Human Right in Pakistan

Pakistani courts have been among the first to recognize the significance of a safe and healthy environment for achieving the constitutionally guaranteed right to human dignity. Pakistani courts have made some of the most progressive decisions on constitutional obligations to protect the environment (May & Daly, 2019). While interpreting the extent of Article 9 of the 1973 Constitution, the Supreme Court held that this right encompasses not only the right to life protection but also the right to pleasure and quality of life.

In many cases, the judiciary has upheld a person's fundamental right to breathe clean air and live in a healthy environment. The landmark Shehla Zia case broadened the definition of the right to life to encompass a healthy environment, which is necessary for a sufficient level of living. The respondents in the current case were building a grid station, and the petitioners were residing nearby. The respondents were accused of creating the electromagnetic field by erecting high-voltage transmission lines. Consequently, these lines have endangered health in the vicinity. Therefore, the court observed that the word "life" could not be limited to vegetative or animal existence rather word "life" should be construed liberally and harmoniously to facilitate a person to sustain and enjoy life to the hilt. However, the empirical evidence was uncertain in the impugned case. Therefore, the court while cautioning and impressing that energy is crucial for life, trade, and industrial progress invoked the precautionary principle and held that a policy of balanced sustainable development must be pursued. In *Bokhari v. Federation of Pakistan*, a significant oil spill occurred in 2003 due to the ship collapsing at the Karachi port causing tremendous environmental loss, Supreme Court lambasted the state for its unpreparedness to respond to such situations and non-ratification of relevant international treaties. In the Lahore Air Pollution case, the court discussed the concept of Public Interest Litigation (PIL) developed in Pakistan and acknowledged its relevance in the wake of rampant illiteracy, poverty, and institutional friability. PIL in Pakistan has resorted to addressing problems ranging from institutional accountability, and environmental pollution to the prevention of human rights violations (Ahmad, 2019).

Similarly, the Supreme Court of Pakistan stated in a different case that it adopted an extensive approach to Article 184(3) of the Constitution and stated that the protection of the environment and Human rights are interconnected as they have intended for the well-being of humans.

Furthermore, in the *S.E.Highways* case, the petitioner complained that the sewerage water entered their residential houses. The court held that there is an apprehension that the resident will contract many waterborne diseases which will consequently put the lives of the residents at risk and as a result the right to life guaranteed under Article 9 of the Constitution citizens will be annihilated. The Court directed the *S.E.Highways* to protect the fundamental rights of the citizens concerning the protection of their life from disease.

Another case of the *Ali Steel Industry* reiterates that the protection of the environment is an inalienable right. In addition, the *Maple Leaf* case clearly stated that environmental rights and international environmental standards are integral parts of the constitution and can be enforced by constitutional courts as environmental rights. At this point, it is appropriate to mention that the courts in different jurisdictions have adopted the international principles for environmental protection as embedded in environmental declarations and treaties across the world. Similarly, the 'Precautionary Principle,' which is listed in Principle 15 of the Rio Declaration, was also applied in the *Waleed Iqbal* case, in which the Lahore High Court adopted the smog policy to protect against the adverse effects of the smog.

In addition, the Organization for Economic Cooperation and Development's recognition of the Principle of Polluter Pays in 1972 serves as a sustainable economic principle for distributing the cost of pollution control to maintain sustainable development. In the case of *Muhammad Ayyaz*, this principle's acceptance was considered to be an important tool for Pakistan's sustainable growth.

To summarise, the right to a safe and healthy environment and environmental protection is not explicitly stated in the Pakistani constitution, but this hasn't prevented the courts from issuing some of the most progressive decisions on constitutional obligations to protect the environment. In addition, the Supreme Court of Pakistan established "Green Benches" to deal with environmental management issues.

Legislative Gaps and Administrative Failure in Implementation in Pakistan

Pakistan under its ministry of Climate Change is dealing with environmental challenges under its climate change and forestry division. Further, these divisions can be seen working in fields such as water and sanitization, sustainable urbanization, biodiversity, etc. However, implementation gaps are nevertheless cannot be ignored. As noted in the famous case of Asghar Leghari, Lahore High Court ruled that the state was violating the constitutional right to life of its inhabitants by neglecting to carry out national climate change policies. Moreover, Case laws addressing the state's inability to enact adaptation policies and the subsequent climate change litigation are becoming more common.

Pakistan has a wide range of laws, regulations, and related acts to protect the environment; it has been considered that we struggle to carry out effective implementations. Management of natural and human resources is the responsibility of environmental institutions. Unfortunately, it is well known that Pakistan's institutions are inadequate for handling common resources and common issues.

The Way Forward

Despite the various legal instruments and standards addressing environmental issues, the states and national government need to take concrete action to tackle and protect the environmental right of human beings very seriously. Environmental rights embellished with human rights and human dignity can only be a viable solution to address the environmental interests of humans nationally and internationally. For these reasons, there is a requirement to have in place some individual, institutional and international frameworks to address the environmental interests of human beings all across the world. Therefore, some credible steps may be pondered over as under:

- That environmental laws are considered 'soft laws' even though the right to a healthy environment like other fundamental rights has *erga omnes* status in international law thus it should not be treated as a negative right but the states should be held accountable if fail to provide environmental protection. The international conventions are self-contradictory and often oriented towards specific kinds of pollutants and states can escape the liability through such gaps in the laws therefore there should be a strict liability on the states to comply with the international standards.
- That the industrial sector is the largest contributor to environmental pollution it emits harmful gases into the air, releases toxic waste in the water, and consumes non-renewable natural resources at an alarming this undoubtedly has a major impact on the ecology of the earth however the issue of accountability of private enterprise for the violation of environmental laws is very controversial nonetheless the private individuals cannot be held liable before an international court of justice although the living the health and sanitation condition in industrial areas a very bad not just that there is micro contamination as well which change the chemical composition of air and water making it injurious for human health in Pakistan alone 30% death are annually reported due to waterborne diseases such as cholera, diarrhea, and dysentery, however, it is the responsibility of the state to regulate their private enterprises to ensure better environmental protection.
- That the problems of urbanization in developing countries and excessive groundwater extraction in Pakistan have posed many challenges like air, water, and plastic pollution that have been adversely affecting particularly human beings, therefore, it must rummage for an alternative at the local levels of governance systems.
- Senior judges, government officials, legal practitioners, environmental experts, and climate change advocates should try to cajole mutual concerns, and institutionalize cooperation and collaboration for shared initiatives and activities and they must discuss to improve environmental protection and law enforcement in the context of human rights.

CONCLUSION

Certainly, environmental right is part and parcel of human rights because a breach of environmental right violates other human rights. The preservation and protection of the environment are indispensable rights for the sustenance of humans and other species on the planet. This is no denying that Pakistan's experience with climate protection has been extraordinary: from the sophistication of the legislative framework to the establishment of green benches, the judiciary has taken the challenge of environmental protection seriously and thoughtfully. There are policies and legal frameworks that are cognizant of environmental protection as discussed above, however, all policy imperatives and their enforcement

and pragmatism rest crucially on political will and good governance which need to be tackled. In this respect, it would not be incorrect to claim that difficult environment-related concerns have been successfully resolved by Judiciary in Pakistan, however, there is a requirement for social and policy reforms for strict compliance. Besides, the UN Environment agency opines that the states need to take concrete action to tackle and protect the environmental right of human beings very seriously. Thus, in the context of environmental human rights, states should find the right balance between the protection of the environment and economic interest and one can rightfully say that Pakistan is on the right track.

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