

THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT, HUMAN RIGHTS AND GOOD GOVERNANCE

Subir Kumar Roy¹

Assistant Professor, Law Department, Bankura University, Bankura, West Bengal

ABSTRACT

Sustainable development leads the society towards a new orientation and hammers on our cognitive faculty to see the perspectives of development in a new form which requires the radical change in social economic and political perspectives and thus gives birth of sustainable governance. Environmental governance is a precise term indicates towards the activities of various institutions and structure of authority related to protection of natural environment. Environmental governance and the sustainable governance are not same. The former aims to involve government, individuals, industries, civil societies, Internationals and non-governmental institutes in policy formulations and decision making process in environmental performances to face the challenges of the globalised world and to curb pollutant. On the other hand governance for sustainability is value based and advocates for the preservation of integrity of ecology of the Earth. The approach of Sustainable governance is very specific and target oriented i.e. save the planate, promote human development and achieve universal prosperity and peace. But still we have not been able to achieve the above targets despite of having a number of conventions, treaties, and covenants etc. Furthermore the theme of 'green economy' of Rio+20 is a contested concept and the critiques apprehend that it may downplay the concept of sustainable development. Under the above backdrop this paper intends to scan the global initiative towards ensuring sustainable governance and will also make analysis that whether still the focus of the UN is pointed on sustainable governance or wandering in jugglery of brown and green economy.

Keywords: *development, sustainable development, environmental governance, sustainable governance, human right, green economy*

I. INTRODUCTION

The term development has many facets and have been used by the economists, politician and others frequently in the 20th century and often equated with the terms like

modernization, industrialisation, westernization, urbanisation etc. though no one is sure about the origin of the term but the concept got impetus with the evolution of capitalism over feudalism. Generally development is used as a

¹ Assistant Professor, Law Department, Bankura University, Bankura, West Bengal

yardstick to get rid over the profound social problems especially poverty, unemployment and to ensure amenities, social security etc into the life of the people. It empowers people to maximize their capacities, resources and opportunities.

*“Development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there from,”*² DRD recognises that human being is the central subject of the development process and right to development is an inalienable human right.

There exists a rock solid relationship in between development and economics. Development has often been reckoned in terms of economic growth. This is an age old concept that the policies which led to growth are happens to be pro development and good. The underlying object behind this idea is to generate wealth rapidly for ensuring prosperity as it widens the ‘realm of

possibilities.” But this pattern of development always tends towards negative development as it does not take care towards the depletion of the natural resources. It never computes the costs needed to mend the ecosystem affected by the so called development to generate wealth. So development neither should allow unplanned and inequitable development nor should affect the equilibrium what exist in between the different components of the nature. What right the present generation, irrespective of their caste, class, creed, sex etc. has over the natural resources, the future generation should also have the similar right and the mechanism through what it is sought to achieve, is sustainable development.

Sustainable development (SD) lies in between the two extremes of ‘no growth’ and ‘unlimited growth’, which ensures optimization of utilization and equitable distribution of natural resources. The sustainable development conceived of as integrating three subjects, which are environmental law, human rights law and economic law. The effective coordination of these three can only effectuate the concept of

² UN Declaration on Right to Development, 1986

sustainable development. It provides a new understanding about the quality of life which is no longer remain confined within the gamut of material wealth or tangible prosperity rather flourished in true sense in the situation where interaction happens among the environmental, the social and economic dimension of the society. Sustainable development advocates for three dimensional values i.e. the economic, social and environmental.

So SD leads the society towards a new orientation and hammers on our cognitive faculty to see the perspective of development in a new form which requires the radical change in social economic and political perspectives and thus gives the birth of the concept of sustainable governance.

II. RESULT AND DISCUSSION

Sustainable Development: A Step Towards Balanced Development

The word sustainable is derived from the Latin word 'sustinere' which denotes a sense of support in both physical and emotional terms and more precisely connotes maintainable or enduring. Concise Oxford Dictionary defines 'sustainable' as able to be sustained and 'sustain' as keep going

over time or continuously. It has the continuity dimension. The word 'sustainable' is generally used as prefix or suffix (mainly prefix) as it is used in the title of the present article and restrain from any unsustainable pattern of activities such as erosion of Forest, inequitable economic growth, materialistic prosperity without considering the environmental perspectives, indiscriminate and ruthless exploitation of natural resources etc. On the other hand the term 'sustainable development' indicates towards holistic and balanced approach towards development. SD is a kind of mechanism which aims at ensuring economic development only by fulfilling the requirements of protection of environment. Sustainability refers to the synthesis among 'triple bottom line' namely environmental, social and financial. A demand for good life requires a livable physical environment, economic opportunity and a just social order. It has intertwined the ecological issues with social justice and economics. It is no longer purely confined in environmental consideration rather it has become the pragmatic yardsticks of development both in terms of process and outcome and gives emphasis that if a

development has to be sustainable it must meet certain requirements such as clean water and sanitation, adequate shelter, energy, health care, food security, protection of bio-diversity, green economy etc. Sustainability deals with the balanced development.

The term sustainable development became a familiar topic in 1990's, more comprehensively after the introduction of Brundtland Report and got impetus after the introduction of United Nations Conference on Environment and Development which clarifies that the aim of SD is to establish the linkage among environmental protection, economic development and social inclusiveness. The very philosophy of sustainability suggests that human survival is closely associated with the ecological integrity of the earth. SD can be defined as the core element of law and governance. Here it is worthwhile to quote some observation from the separate opinion of Vice-President Christopher Gregory WEERAMANTRY in Gabcikovo-Nagymaros project case i.e. Hungary v/s

Slovakia case³ related to SD, *“Sustainable development is thus not merely a principle of modern international law. It is one of the most ancient of ideas in the human heritage. Fortified by the rich insights that can be gained from millennia of human experience, it has an important part to play in the service of international law.”*

Vice President WEERAMANTRY had viewed SD as a reconciling agent in between development and protection of environment and observed,

“The problem of steering a course between the needs of development and the necessity to protect the environment is a problem alike of the law of development and of the law of the environment. Both these vital and developing areas of law require, and indeed assume, the existence of a principle which harmonizes both needs. To hold that no such principle exists in the law is to hold that current law recognizes the juxtaposition of two principles which could operate in collision with each other, without

³ Judgment, ICJ, Reports 1997, P-7

Above case was related to the differences that had arisen in between the Czech and Slovak Federal Republic and the Republic of Hungary

regarding the implementation and termination of treaty on the construction and operation of the Gabsikovo- Nagymaros barrage system signed in Budapest on 16th September, 1977.

providing the necessary basis of principle for their reconciliation. The untenability of the supposition that the law sanctions such a state of normative anarchy suffices to condemn a hypothesis that leads to so unsatisfactory a result. Each principle cannot be given free rein, regardless of the other. The law necessarily contains within itself the principle of reconciliation. That principle is the principle of sustainable development.⁴

In the above case⁵ it has been observed by the ICJ that the court is mindful that in the field of environmental protection, vigilance and prevention are required on account of the often irreversible character of damage to the environment and of the limitation inherent in the very mechanism of reparation of this type of damage. The ICJ opined,

'throughout the ages, mankind has for economic and other reasons, constantly interfered with nature. In the past this was often done without consideration of the effects upon the environment owing to new scientific insights and to a growing awareness of the risk for mankind for the present and future

generations- of pursuit of such intervention at an unconsidered and unabated pace, new norms and standards have been developed set forth in a great number of instruments during the last two decades. Such new norms have to be taken into considerations and such new standards given proper weight not only when state contemplate new activities begun in the past. This need to reconcile economic development with protection of the environment is aptly expressed in the concept of sustainable development.⁶

The purpose of sustainable development is to improve the quality of human life while living within the carrying capacity of the earth's ecosystem. It claims equity within the present generation. The poorer section of the society are the worst sufferer of the environmental hazards and compelled to lead unhygienic way of life which the society often termed as the consequence of bad fate. As per the first principle of Rio Declaration 1992 human beings are the center of concern for the sustainable development. They are entitled to have a worthy and healthy life but in harmony with nature.

⁴ *ibid*

⁵ *ibid*

⁶ *ibid*

Barbier (1989) refers SD as optional level of interaction between three systems, the biological, the economic and the social. SD while measuring the maximum net benefits of economic development, also computes the costs of service and quality of natural resources in the sense that a material benefit is always gained at the cost of the exploitation of natural resources which definitely carries huge costs. Behind all material prosperity exploitation of natural resources is obvious and natural too and for that reason at what costs of resources that happiness has been achieved needed to be counted otherwise the prosperity of the moment will be converted into the destruction of ever. It is the high time to consider and recognise that environmental improvement are equivalent to economic development. SD advocates for a system which can ensure protection of human needs, economic growth and growth of natural capital and thus explores a new outlook and dimension of Economics.

Development informs material prosperity by exploring and exploiting natural resources but sustainable development takes care of social, ecological and economic factors of biotic and abiotic resources along with the

assessment of advantage and disadvantage of alternative methods. When we say about the conservation of resources it suggests about the management of resources with prudence so as to ensure greatest sustainable benefit to present generation but without compromising with the needs and aspirations of future generation. So the term conservation is always used in 'positive' sense which gives emphasis on better and careful utilization of resources and also restoration and enhancement of natural resources. SD is integration of conservation and development which reminds us that, 'we have not inherited the earth from our parents; we have borrowed it for our children.' SD is also viewed as an interaction among three systems, the biological and resource system, the economic system and the social system. It is a positive development of economy after taking into consideration the ecological imperatives against economic growth. SD is not against of economic growth as in no way they are contrary to each other rather it simply places a stipulation that economic growth should not be antagonistic to our ecology. Our economic initiatives should not be devoid of environmental issues and

concerns. Material prosperity has been achieved at the cost of the exploitation of natural resources, so now it is the high time to plan and manage our economic activities in such a way so that it will both economically and environmentally viable and sustainable. So SD is a kind of technique associated directly with the values of our life which tells us to bring changes in our behavioral pattern, conduct, outlook and also to bring transformation in our thought process. All our activities, be it is economic, social or cultural must be directed towards the achievement of sustainable way of life. Still we perceived development as production of materialistic wealth overlooking our greatest wealth i.e. natural resources on which our very existence and survival depends. Due to our defective consumption pattern we are slowly destroying the habitat.

SD advocates for a positive socio-economic development without undermining the ecological imperatives and that development must be for all so that growing disparity in between haves and have-nots may be minimized. It gives emphasis upon equitable access of natural resources. SD is a concept needed to be applied in every sphere of

life and cannot be achieved in an isolated way. Our socio-economic and political structure is needed to be restructured to create space for SD. SD is also closely associated with our culture. Policy of a nation should be equipped with environmental benign measures to restrain the eco-destructive steps. Sustainable processes are deeply associated with the values of our life. Economic growth without considering the ecological imperatives invites negative development. Some critics often termed the development caused through industrial revolution as negative because the menace of pollution has taken such a gigantic shape whereby the very existence of the human being is at stake and if immediate measures for protection of environment will not be taken in nearby future the whole human race may extinct.

Certainly we should not welcome that development which will become ultimately a threat to our existence and the whole race in at peril. SD never throws the message to retreat towards forest or to enter into the stage of primitive society because we will not be able to accommodate ourselves with that very situation and thus that will invite a new dimension of pollution. It is true that

we cannot survive without exploiting the natural resources but that is needed to be done with prudent, which is the core message of SD. Pollution of course is a resultant of industrialisation, motorisation, mechanisation but this is also a grim reality that the menace of pollution can only be curbed by further advancement of science and technology.

A democratic society allows the people to explore their potentialities and creativeness and which is only possible where there exist quality environment. A democratic society honours the values of the people with which they want to live with. Furthermore, the cardinal duty of a democratic government is to ensure the well being of the people as well as to offer them quality life. The pre-requisite stipulation of quality life involves with the other things the demand of having clean air, clean water, fresh food and peace of mind which cannot be achieved without restraining pollution. So sustainability refer a value based socio-political system along with a well neatened economic structure which can minimize the economic disparity and also ensures each fulfill their needs as per their requirements. In this respect the term 'justice' and 'sustainability' may claim the same status as both are based on

certain ethical issues, values and principles. Unsustainable pattern of development and treatment of natural resources invite miseries into the life of the people in long run and from that perspective it is unjust too.

However some scholars believe that instead of having parity in between justice and SD the disparity among the two is more prominent and thus they prefer to highlight the contradiction and inconsistency of each other. In favour of their logic they claim that justice demands that the immediate need of human being should be given utmost favour than right to environment. Right to food, right to have livelihood, right to development, eradication of poverty etc. should get importance over right to have pollution free environment. These scholars are neither against the protection of environment nor do ignorant about the immediate danger of growing pollution in our planet but they simply intend to give priority to basic needs of people such as food over long term environmental concerns. They believe that protection of environment is for people and not from people. The issue is no doubt touchy but without having any substance. There lies no inner contradiction among basic needs of the

people and Right to pollution free environment when we will perceive the whole matter from right centric approach. The question of priority arises whenever we will consider the things from need based point and needless to mention need centric approach is now overruled by right centric approach. Right to have food or to carry on livelihood or eradication of poverty is very much complementary of right to have quality environment. Poverty is the biggest source of pollution and if we have to curb the gigantic menace of pollution we have to ensure right to development too. Right to life cannot be ensured without ensuring clean, descent, hygienic and pollution free environment. SD exposes the complementary chemistry of right to development and right to proper environment and ultimately leads us towards a dignified life.

So sustainability has a wide dimension which covers the different aspect of the life of the people. However due to this vastness it is often criticized as vague idea, which is essentially a wrong perception comes from ignorant. SD is not hinderance to economic growth rather it ensures a qualitative and durable long term benefit to the mankind by

clarifying the fact about the costs incurred due to degradation of environment or costs associated with the exploitation of natural resources and tells us to incorporate the same while computing the GDP and GNP. It is based on a firm principle that natural resources and environmental services cannot be undervalued and should be provided with proper or just prices. Ecological depletion often causes economic depression and reverse is also often become true. Many a times defective market strategies and wrong policies cause ecological and environmental damage. When we cut a tree for timber, market seldom cares about its role in soil protection, microclimate control, protection of habitat, control of runoff while fixing its price. The above illustration indicates the defective market policy. SD links the right to development and the right to secure healthy and ecologically sound environment. Today SD is not only holding the key position in International Environmental Law rather also possessing important position in International Trade Law and Human Rights Law.

Sustainable Governance And Global Environmental Challenges

Governance refers to activities backed by comprehensive shared targets, achieved or caused to be achieved through interactions among formal and informal institutions and actors within society. It is often linked with participatory developments or described as social relationship within a political entity. Good governance ensures and promotes participations of all the actors in the society in achieving equity, transparency, greater accountability, pluralism, vibrant rule of law with a true democratic spirit, which may only curb corruption, violence and poverty etc. effectively. Environmental governance is a precise term indicates towards the activities of various institutions and structure of authority related to protection of natural environment. Environmental governance and the sustainable governance are not same. The focal point of environmental governance is the way society deals with the problem of environment. It aims to involve government, individuals industries, civil societies, Internationals and non-governmental institutes in policy formulations and decision making process in environmental performances

to face the challenges of the globalised world and to curb the pollutant. On the other hand governance for sustainability is value based and advocates for the preservation and maintenance of integrity of ecology of the Earth. While environmental governance intends to formulate the mechanism to ensure protection of environment, the approach of Sustainable governance is very specific and target oriented i.e. save the planet, promote human development and achieve universal prosperity and peace. Environmental governance includes both eco-centric approach and anthropocentric approach whereas sustainability interlinked four key concepts – population, resource, environment and development.

Sustainable governance can be used as an effective tool to face the global challenges as still a large chunk of population of the world is fighting with the hunger, poverty, basic amenities of life i.e. food, cloths, shelter, water, health facilities, sanitations coupled with the horrible environmental degradation. A considerable number of populations are compelled to become the marginalized group as they fail to explore their potentialities due to the lack of educational, socio cultural and political

opportunities. The menace of poverty is not only responsible for causing health problems or mal-nutrition to the poorer section of the society but their very life style what they compelled to adopt also causes depletion of natural resources, contamination of water, spread of deadly diseases and misuse of energy. Unplanned, irrational and discriminatory policies of the Governments affect the distributive justice and as a consequence a large chunk of people become marginalized group due to the lack of liquidity. Social inequality is a determining factor behind the environment injustice. Major industrial operations are being carried on in the areas, inhabited by the lower income groups and as a matter of fact the poor people are not only compelled to compromise with pollution at the cost of their life rather it also lays birth to the problem of migrants. Eradication of poverty and hunger are a greatest global challenge and are sine-qua-non for sustainable development.

Poverty and hunger never allow the people to live with dignity and causes impediments into the way of sustained, inclusive and sustainable growth. The countries within the globe and among the citizens within the country are facing

extreme disparity in the matter of generation of wealth and opportunities. The global issues like the gender inequality, unemployment, rising health disorders, scarcity of foods, loss of biodiversity, scarcity of clean air and fresh water, lack of sanitation facilities, depletion of natural resources, environmental degradation, global warming, climate change etc. are a matter of serious concern and great challenges to sustainable development. Growing unrest and intolerance among the people of different part of the globe along with the issues like terrorism, armaments including rising experiments of development of nuclear devices for war is not only causing the serious humanitarian problem rather also posing a serious threat to environment. Now a day the problem of global warming become a serious threat to life and if it will not be checked then the life of many species including human being may be at peril. Increasing temperature is rapidly changing the climate and as a consequence the sea level is rising and thereby affecting the coastal areas and low-lying coastal countries.

Here it is pertaining to mention about the resolution of the General Assembly on 'Transforming Our World:

The 2030 Agenda for Sustainable Development' fixes 17 sustainable goals to achieve sustainable pattern of consumption and production and sustainable management of natural resources in order to ensure sustainable development⁷. These seventeen sustainable goals are to end poverty and hunger, achieve food security, ensure healthy lives, provide equitable quality education, gender equality, sustainable management of water and sanitation, sustainable energy, sustainable economic growth, build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation, reduce inequality, Make cities and human settlements inclusive, safe, resilient and sustainable, ensure sustainable consumption and production, urgent action to combat climate change, sustainable use of water-bodies, Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, save land degradation and control biodiversity loss, promote peace and justice and to promote global partnership for sustainable development.

The goals chalked out by the above 2030 Agenda for Sustainable Development⁸ clarifies about the main environmental challenges before the world.

So to achieve sustainable development, the world polity is required to address the global challenges as sets up by the Transforming Our World: The 2030 Agenda for Sustainable Development⁹

Sustainable Development And Human Right; Complimentary Or Contradictory

Both the right to environment and human rights intends to achieve the highest quality of sustainable life for humanity. Keeping the above proposition in mind general Assembly by setting the agenda 'Transforming Our World: The 2030 Agenda for Sustainable Development' resolved to end poverty and hunger in all its forms and dimensions, and to ensure that all human beings can fulfill their potential in dignity and equality and in a healthy environment¹⁰ Furthermore, it proclaims to inform prosperous life for all by ensuring economic, Social and technological progress in harmony with

⁷ See <https://sustainabledevelopment.un.org/post2015/transformingourworld> (accessed March, 02, 2015)

⁸ *ibid*

⁹ *ibid*

¹⁰ Preamble of Transforming Our World: The 2030 Agenda for Sustainable Development

nature¹¹. And for that end it is determined to protect the planet from degradation by initiating the scheme of sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change in order to support the needs of present and future generation¹².

It is axiomatic that development or prosperity of all is impossible without taking care of human right because human rights are such rights without which the very existence of the human life will be at peril. We know due to this factor human rights are considered as inalienable rights or natural rights as it enables the human being to explore their potentiality to fullest extent. For the proper development of our personality we require a human environment which will not only ensure the respect towards the dignity of the life of individual along with the notion of liberty equality, justice etc. rather also gives the guarantee of quality of life. Earlier we interpreted the term development from the sense of our limited knowledge and we confined it within the concept of materialistic prosperity or materialistic gain. With this kind of immature

understanding we welcome and intensified industrial revolution which no doubt accelerated production and bring hospitality and amenities to life but at the same time invited a gigantic menace like the environmental pollution as its by product whereby the very existence of the human being is in danger. We fail to foresee the negative development behind the economic prosperity informed by the industrial revolution and that is why the environmental pollution has reached in such an appalling and alarming stage and if it will continue without changing our attitude and approach towards the chemistry of nature or the eco-system then the days are not far when the whole human race may extinct. So without having the pollution free environment we cannot enjoy the quality life. Clean air, pure (drinking) water, proper sanitation and sewage system, adequate shelter, energy, health care, hygienic life style, sufficient and nutritious diet are prerequisite of quality life and to attain this quality life we require a mechanism which can reconcile and integrate among development, protection of environment and human rights and to many SD is the

¹¹ ibid

¹² ibid

potent weapon to make a balance among economic, social and environmental goals of the globe.

Sustainability is 'a higher- order social goal or fundamental property of natural or human system'¹³ Bosselmann conceived SD as a fundamental principle to guide human conduct with respect to natural systems¹⁴. The scope of sustainability has many dimensions under which it performs the liability of maintaining the integrity of biophysical systems to offering better services to more people, to provide freedom from hunger and deprivation, as well as choice, opportunity, and access to decision making which are aspects of equity within and across generations (Kemp et al: 2005)¹⁵. So sustainability clarifies about the interrelation what exist among environmental, economic and social systems. The approach of SD is always to give emphasis on human development by incorporating eco centric notion towards environment and

from the Human Development Report, 2009 we know human development is about enlarging human choices which focuses richness of human life rather than simply the richness of economics. Right to life which is the cornerstone of human rights not only advocates for the civil, political, economical, social, or cultural autonomy but also advocates about the environmental autonomy whereby the people can breathe full oxygen, drink clean water and get fresh and hygienic food. Without having the guarantee of above human being neither can be able to live with dignity or respect nor can be able to lead a healthy life. As per the Human Development Report 2015¹⁶ human development is jolted by the multiple factors like epidemics, by emerging health risks, by economic and financial crisis and by food and energy insecurities. As per the above report¹⁷ noncommunicable or chronic diseases become global health risk, killing 38 million people each year and among

¹³ B.J. Richardson, B.J. and Wood, S. 'Environmental Law for Sustainability' in *Environmental Law for Sustainability* (Hart Publishing: Oxford, 2006), p.13 quoted in Bosselmann, Klaus, Engel, Ron and Taylor, Prue. (2008). *Governance for Sustainability – Issues, Challenges, Successes*. IUCN, Gland, Switzerland. P-7

¹⁴ Bosselmann, Klaus, Engel, Ron and Taylor, Prue. (2008). *Governance for Sustainability –*

Issues, Challenges, Successes. IUCN, Gland, Switzerland. P-7

¹⁵ Ibid

¹⁶

See

<http://www.in.undp.org/content/dam/india/docs/GHDR2015/GHDR-2015-English.pdf>

(Accessed 8th March, 2016)

¹⁷ Ibid

them three quarters (28 million) from low and middle income. As per the statistics of the said report¹⁸ almost 30 percent of the world people are obese and more than three-fifths of them are from developing countries. The Human Development Report 2015¹⁹ further states that the world communities are becoming more vulnerable to the effects of climate change, including the loss of biodiversity and millions are affected by natural disaster. More than 660 million people use an unimproved source of drinking water, 2.4 billion people use an unimproved sanitation facility and nearly a billion people resort to open defecation²⁰. Worldwide 795 million people suffer from chronic hunger, 11 children under age, 5 die every minute and 33 mothers die every hour. About 37 million people live with HIV and 11 millions with tuberculosis²¹. This horrible picture of human development

clarifies that how right to environment and human rights are closely associated with each other. Poor environment badly affect the human rights and deprivation of human right makes the environment vulnerable for human existence.

The United Nation Conference on the Human Environment, 1972 popularly known as Stockholm Declaration, 1972 highlighted the liaison in between human rights and right to environment by proclaiming in para-2 that well being of people and economic development is directly related with the protection and human environment²². It further proclaims in para-4 that underdevelopment is the causation of most of the environmental problems in developing countries²³. The above paragraph not only highlights the need for development for all round development of the potentiality of human being but also for the protection

¹⁸ Ibid

¹⁹ Ibid

²⁰ Human Development Report 2015, supra note 16

²¹ Ibid

²² The United Nation Conference on the Human Environment, 1972 proclaims in para-2 that: The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments. See

<http://www.unep.org/documents> accessed, 8th March, 2016

²³ The United Nation Conference on the Human Environment, 1972 proclaims in para-4 that: In the developing countries most of the environmental problems are caused by underdevelopment. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment... ibid

of environment. Though the term SD has not been popularized through Stockholm Declaration but of course it introduced the concept of SD successfully through the above general observations. Principle-1²⁴ of the above summit established the blow out of proportion that quality environment permits a life of dignity and well-being. Similarly the Rio Declaration on Environment and Development, 1992 admitted in its Principal-1²⁵ that human beings are at the center of concerns for SD and they are entitled to a healthy and productive life in harmony with nature. Principle 3 of Rio declaration mandates that development should be initiated in such a way so as to equitably meet the needs of present and future generations which is the basic requirement of sustainable development and principle 4 clarifies that environmental protection should be considered as integral part of the developmental process otherwise it would be impossible to achieve sustainable development²⁶. Rio

Declaration also highlighted the proposition that sustainable development is a means to attend the higher quality of life and that is why principle-8 of it gave emphasis on elimination and reduction of unsustainable patterns of production²⁷.

Similarly Johannesburg Declaration on Sustainable Development, 2002 vowed the future generation to provide them the world free of the indignity and indecency occasioned by poverty, environmental degradation and pattern of unsustainable development²⁸. Accordingly Johannesburg Summit considered economic development, social development and environmental protection as the foundation of sustainable development. Johannesburg summit committed to fulfill the basic requirements of human beings as such clean water, sanitation, adequate shelter, energy, health care, food security and the

²⁴ “Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations...” ibid

²⁵ The United Nations Conference on Environment and Development, 1992, see

<http://www.unep.org/documents.multiling> , accessed 9th March, 2016

²⁶ Ibid

²⁷ Ibid

²⁸ Para 3 of Johannesburg Declaration on Sustainable Development, 2002, see http://www.unmillenniumproject.org/documents/131302_wssd_report_reissued.pdf Accessed 9th March, 2016

protection of biodiversity²⁹. It has also detected the major threats to SD which include chronic hunger; malnutrition; foreign occupation; armed conflict; illicit drug problems; organized crime; corruption; natural disasters; illicit arms trafficking; trafficking in persons; terrorism; intolerance and incitement to racial, ethnic, religious and other hatreds; xenophobia; and endemic, communicable and chronic diseases, in particular HIV/AIDS, malaria and tuberculosis and committed to fight against all the above menace³⁰. It has also given stress on effective, democratic and accountable international and multilateral institutions to achieve sustainable development³¹. So the above stand and commitments of Johannesburg Summits not only exposes the proximity in between the right to environment and human right it also mandates for the need of good governance which should be effective, democratic, accountable, transparent, sensitive, stable and responsive one to achieve the sustainable goals.

The General Assembly in it's "The future we want –Outcome document" popularly known as the outcome of Rio+20 summit³² renew its commitment to SD but at the same time remarkably shifted the notion of SD from anthropocentric approach to eco-centric approach i.e. first time Rio+20 gave emphasis on 'Green Economy'³³. It affirms that democracy, good governance and the rule of law at the national as well as international level coupled by an enabling environment are sine-qua-none for SD³⁴. Rio+ 20 also gave emphasis upon the relationship in between the human right and the SD and considered poverty, hunger, unequal distributive system, gender discrimination, energy crisis, growing health problems etc. as greatest impediments into the path of SD.

It is axiomatic that SD and human rights do not confront rather supplement or complement to each other. Sometimes from different quarter the attempt is made to portray the contradiction in between the SD and human rights but this inner conflict in

²⁹ Para-18, Ibid

³⁰ Para 19, ibid

³¹ Para31

³² See <https://sustainabledevelopment.un.org/> Accessed 9th march, 2016

³³ Para 12 of 'our common vision', ibid

³⁴ Para 10 of 'our common vision', ibid

between the two becomes prominent when we compare the two with need based approach which is absolutely wrong perception within it. Human rights and SD are totally devoid of having any such contradiction when we compare the two with right centric approach. Both the human rights and an enabling environment are required to lead a meaningful as well as dignified and quality life.

III. CONCLUSION

In spite of having the plethora of environmental laws both in national and international levels we are witnessing the severe scarcity of enabling environment as in many parts of the globe the quality of environment is alarmingly decreasing. Along with the crisis of quality environment the world is also witnessing the problem of poverty, hunger, gender discrimination, Inequality, growing intolerance, political unrest in different parts of the globe. The very idea behind the SD is to protect and conserve the environment in such a way which in turn can be used for development of economy and a positive and strong economy will

be used for eradication of poverty and social injustice and the above process will ultimately help in the field of environmental management³⁵. But the above approach of SD has been criticized by the propounders of green thinking mainly the deep ecologist like Arne Naess propounded that SD cares for environment to inform well being of human being and consider the environment as a tool for procuring social and economic benefit and thus the edifice of SD stands on anthropocentric approach. On the other hand deep ecologist who advocates about the green economy always supports the eco-centric approach i.e. to take care of the nature for nature's sake and not to judge the environment in terms of the well being of the human being. Eco-centric approach gives stress on giving priority to fulfill the ecological demand.

Now in context of the above if we scan the outcome document of Rio+20 i.e. 'Future We Want' it appears a kind of confusing document whereby in one aspect it vows to carry on the legacy of Stockholm Declaration Earth Summit, Agenda 21, Johannesburg summit and in

³⁵ Mark Whitehead, *Spaces of Sustainability-Geographical perspectives on the sustainable society* Taylor & Francis e-Library, 2006

other way it is claiming the motto and goal of 'Future We Want' is the incorporation of green economy. To many scholars and economists the concept of green economy is a kind of bleak matter and nobody knows how far it is possible to conceptualise it in reality. Of course the green thinking was there in almost all the summits on sustainable development before the Rio+20 but none of them advocates incorporating any particular kind of economy. No doubt SD indicates towards particular mode of economy but sufficient flexibility, options and alternatives remains there which give autonomy to the states to carry on the planning related to their economic affairs. As we know SD only demands some kind of integration among the economic, environment and social issues. According to the Achim Steiner, United Nation's Under Secretary General and Executive Director, Inclusive Green Economy suggests, such an economy is low carbon, efficient and clean in production, but also inclusive in consumption and outcomes, based on sharing, circularity, collaboration, solidarity, resilience opportunity and interdependence.

As per the study of UNEP a green economy is one whose growth in income

and employment is driven by public and private investments that reduce carbon emission and pollution, enhance energy and resource efficiency and prevent the ;loss of biodiversity and ecosystem services. No doubt, green economy is needed for enabling environment but the developing countries mainly G77 along with China are opposing the above approach as they are seeing the politics of the developed country behind Green Economy, as a measure to dominate the economy of them in a new fashion and mode. According to the developing country including India the concept of green economy is bias towards environment and it should be confined within the SD and poverty eradication programme. The developing countries are reluctant to accept the concept of green economy as they are apprehending that in the name of such economy the developed country may affect their developmental activities. Many critics say that one of the prerequisite conditions of the success of SD is to grow cooperation in between developed and developing countries and technological as well as monetary assistance by the developed countries to developing countries for carrying on the modern scientific research and also for

development of science and technology to combat with the pollution. But due to the recent world wide recession the developed countries have taken the austerity measures regarding fund transfer to developing countries for the purposes as mentioned above. Critics say that due to financial crunch the developed countries by using the platform of Rio+ 20 intended to shift the lens of the globe from sustainable development to green economy.

Still the people around the globe are still in dark about what matters are included or excluded from green economy. So, some kind of ignorance about green economy is still persisting and it shows lack of governance too on the part of UN. Good governance will never allow to raise any such bleak situation as it involve the people of different sectors along with the governmental mechanism, different organisations etc. in decision making process and thereafter place a matter with legal certainty so that it can be enforced with proper legal mechanism and with consensus what was lacking in Rio+20 declaration. To implement and strengthen the concept of SD the UN and its various agencies should take effective participation in making global and

responsive citizen, should involve in the academic discourse with the students and academicians of the different part of the globe. Intensifying mass awareness programme and should promote research activities for advancement of science and technology to ensure SD. The above steps will surely lead towards Good governance.

REFERENCES

- B.J. Richardson, B.J. and Wood, S. 'Environmental Law for Sustainability' in *Environmental Law for Sustainability* (Hart Publishing: Oxford, 2006)
- Mark Whitehead, Spaces of Sustainability- Geographical perspectives on the sustainable society Taylor & Francis e-Library, 2006
- Bosselmann, Klaus, Engel, Ron and Taylor, Prue. (2008). *Governance for Sustainability – Issues, Challenges, Successes*. IUCN, Gland, Switzerland
- Macrory (2010) *Regulation, Enforcement and Governance in Environmental Law* (Hart Publishing Paperback)
- Holder and Lee, *Environmental Protection, Law and Policy*

(Cambridge University Press,
2007)

Ball and Bell on Environmental Law
(OUP 7th ed.)

Birnie patricia , Boyle Alan and
Redgwell Catherine ,
International Law and the

Environment , 3rd edition ,
Oxford University Press.

Stranks Jeremy, The A-z of the
Environment, Viva Books
Publictio