Constant development and the right to the right to the environment as the third generation of human rights

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Abstract

From among the third generation of human rights, the right of Constant development is considered as the basis for other crucial rights. The rights of the environment are part of general international rights which regulate the occasions between those obedient of international rights (governments and international organizations). This legal order is mainly based on bilateral and multilateral treaties and judicial international convention. The right to the environment is reflective of high and basic values similar to the environment is reflective of high and basic values similar to the right to life, the right to health and life of standard and it also has a close relationship with the prerequisites of the continuation of the present generation life and the coming generation. In this article, the relations of human rights, environment and constant development examined in the form of three functions of the right to the environment, approaches and international conventions. An examination of government has not been recognized as one of the instances of the third generation of human rights. This generation is facing serious problems about persisting people’s demands against general people.

Key Word: Human rights, development rights, environmental rights, Instruments Concerning Right to Environment, Individual Claims in the Environmental Cases

Introduction

The third generation of human rights including development, peace, the right to have a healthy environment and the right to determine destiny is presented as the base and strength of first and second generations. In this direction regarding human rights, 1972 Stockholm
Declaration absorbed the attention of people to the importance of environment and caused the formation of principles, norms, declarations, manifestoes and special organizations regarding the environment. The altercation Witnessing natural sources management, ultra-boundary pollution, world environment risks such as weather change, ozone layer damage, threats resulted from atomic waste burial caused that in 1980s the concept of ecologic safety was formed in international relationships and nation organizations and special agencies. (Mowlā‘ii, 2007) On June 1992, holding the United Nations organization conference in regard with the environment and development attracted world’s attention to the necessity of better supplying of cooperation concerning world environment issues with the focus on constant development. Making policies, common natural sources management, ultra boundary environment risk management, and international law compilation found their place in the United Nation’s environment programs as well as in the international law commission, territorial organs such as economic commission for Europe and Europe security and cooperation council. The wimping of environment principles and rules is established on three bases which are having commitment to cooperation to inform, exchanging information and coordinating policies in regard to common natural sources, ultra boundary risks, disagreement settlements and loss compensation which all are within the relationships between governments. It’s estimated that now a days in regard with environment protection and about 1000 bilateral treaties in regard with environment protection and preservation. In parallel with these changes, supporting human rights has become a popular international issue and the process of internationalization of human rights and protection have started. In parallel to the right to have the environment in international fields, we witness that this right has been recognized more than before in countries’ internal laws and has been paid the attention in the from of constitutional law amended or passed after 1970. In the light of the right to have a healthy environment, people and human communities have the right to enjoy a healthy balanced environment which is ready for economical, social, cultural and civil development and governments shouldn’t make unpleasant changes to life conditions which threaten collective healthy environment has 4 our parts. (Alston, 2008:1441)

1-3-4 the right of citizens participating in making environmental decisions

According to this right, each person is able to take part in making decisions which are directly related to the environment and they should observe their country’s rules and laws individually or along with others in the form of a social institution such as nongovernmental organization.

2-3-4 the right to access environmental information

Because of this right, all general organizations should give the information related to environment protection and the effective actions to citizens. It’s worth reminding that performing citizens’ commitments to access the right of having a healthy environment is mainly possible when they have enough information. It’s necessary again to remind that like other rights the right to have the environment isn’t obligations and duties individually and collectively for them. (Asher, 2004:120)
3-3-4  The right to the environmental educations

Due to this right, the government ought to devise necessary foresights to create a culture to be friends with nature, to protect it and to use clean technology. This education and culture – making should be at all levels. (Burg, 2003)

4-3-4- The right to environmental litigation

To realize the right to environmental, it needs enough executive guarantee and be capable of litigation. In other words, nongovernmental people and organization are able to complain about the cases of this right being violated to official and judicial references. (Eftekhar Jahromi, 1388). In the new function to the environment, the right to have a suitable environment is generally considered independent from the environment. The right to a healthy environment is placed in the complex of the new generation of human rights which is literally called solidarity rights. From this angle, the right to the environment is organized based on 3 parts. (Geiser, 2007)

1-3-4- Opinions and functions of the right to the environment.

The right to environment is reflective of high and basic values such as right to life, health and standard life. It also has a close organic relationship whit the prerequisites of the present generation’s life continuation and the coming generation. Human generation’s preservation and the continuation of human life in a safe place with no wars is a purpose and a topic for the united nations. Supporting the improvement of the environment is directly resulting from the need to protect human life so that the quality and its conditions are supplied and the inevitable prerequisites to look after human’s self – esteem and his happiness and the development of human personality is guaranteed. The decline of environment quality is a serious threat to the human survival, so respecting human rights has a close and direct relation with the environment protection. Because human life and continuation and quality of his life is based on the environment health and its freshness. (Boyle, Alame and Anderson, 1998, p10). The relation between human rights and the right to the healthy environment has attracted many thinkers’ attention. From Mr. Fitz maurice’s view, there are three main intellectual schools regarding this case. One view supports this issue that there’s no human rights without the right to the environment. In another one, the existence or appearance of this right is seriously controversial. And the third view believes that the right to the healthy environment is exploitable and recognizable from other parts of human rights such as right to life, health and information. In a different function, the relation between the environment and the human rights has been discussed based on two human - centered and environmentalist view. In human – centered view, the environment is provide attention due to the pressure and human’s health and welfare. (razaque, zooz, para, B) human – centered view is focused on the protection of solution of human rights is found in judicial function regarding European convention which supports human rights and essential freedoms. The more modern human –
centered solution regarding environment rights relies on the relationship between environment destruction, human right violation and poverty. As for the solution of the environmentalist, the human right to the healthy environment is based on the vast interpretation of the environment and according to that, people have rights which enables them to declare the benefits of their environment. But in order for these benefits to be legally known and accepted we don’t need to show that these benefits influence well – being or well – fare of a special person or a group of people. From this view, environment rights follow a purpose more than providing particular guarantees for some people and they try to obtain those environment goals on which there is social agreement. In this function, supporting human rights is fulfilled through supporting common needs and interests of human communities such as weather. (Ragagopal, 2003)

The late changes regarding the environment tends to accept some of the confirmations of the law in the environment atmosphere and these changes pay more attention to functional rights including people’s rights to participate in environmental decision – makings or loss compensations resulting from environment destruction. Although there are differences in human – centered and environmentalist solutions but we see considerable covering between these two. For example severe pollution can be threat to both human and environment. As vira mantri, the judge of international justice bureau stated that protecting the environment is a very important part of contemporary doctrine of human rights because such protection is the necessary condition to realize many other rights such as sanitation and the right to life. The 2000 report on the human development gives a different picture on the relations of human and environment rights. In this report, destroying the environment is considered a violation of human rights which pressurizes the poverty and non development of the environment which entails human rights violation. In an article by Patrick Defonet Berson named “ From the effectiveness of the rights to the healthy environment to the effectiveness of the right to the suitable home” he introduces the right to the healthy environment as apart of the right to the life. In the report regarding human development in 2000, the reciprocal dependence between human rights and environment has been noted. The right to the environment is considered resulting from the quality of life and is comparable to the economical and social rights. The vital feature of the right to the environment is known to be the basic condition for life and is inevitable to improve human happiness and self – esteem and to fulfill other parts of human rights. In a research done by wolfgang sash in 2003 about the environment and energy called “ the environment and human rights uncial and energy and for the Weather”, he divides the human rights into subsistence and non- subsistence rights. First, he presents a list of human rights instances such as ability to obtain suitable nutrition, prevention of illness and premature death, suitable house, earning living, supplying physical safety, equal access to justice and participation in collective life and he puts the first four in instances in the subsistence right group. He also adds that in order to understand environment human right better, we should accept this fact that subsistence right has mixed with the right to make proper use of natural sources. In Europe union rights, Dublin Declaration which was approved on July 7, 1990, is regarding environment necessities and guarantee of clean and healthy environment for European citizens. European court of human rights also approves
individual right of European citizens to a healthy environment on the citation of entry 8. (Robert, 2005: 8-21)

2-3-4 International documents of the right to the environment.

Stockholm Declaration is the first international document which recognizes the relation between individual right and the quality of environment very directly. The first principle of the mentioned declaration states that “human has basic right to freedom, equality and proper living conditions in an environment whose quality gives him the possibility of living happily and generously and he is in charge of protecting and preserving the environment for the present and coming generation. Stockholm Declaration doesn’t the basic human rights to the healthy environment but it points out that the base of healthy environment is necessary to enjoy and exert human rights. International meeting for nature preservation in 1980 steps toward to spread the concept of constant development. And the world charter of the nature put forward the rights and duties due to the necessity of protecting the environment. In its well – Known report called “our common future” the world commission of environment and development (WCED) has noted human rights as the constant development. In this report, constant development has been introduced as supplying today’s generation’s needs without trampling next generation rights. According to environment experts’ views, environment and development commission has recognized a list of legal principles including the right to the environment as the basic right of human. In the first entry of experts’ report on the basic right to the proper environment to enjoy health and happiness. In 1989, the right to a generous life in a durable environment was mentioned candidly in haven Declaration. In 1999, the declaration announces candidly that “ anyone, individually or collectively, has the right to have a healthy environment.” The world declaration of human right, the treaty of political and civil rights, the treaty of so, cultural and economical rights approve the right to a healthy environment implicitly. Infect, within the frame work of these documents, some human rights such as the right to life, has been noted and many legal suits have been proposed nationally and internationally. At a territorial level, the African charter of human rights and people, is the first approved document in which entry 24 emphasizes the right to the healthy environment directly. San Salvador protocol which approved the appearance of human rights and the new ones such as the right to work, health and the new ones such as the right to the environment as a special aspect. At the European level, the European convention on human right refer to the environment. Yet, the European court of the human right has approved. The right to the environment by a vast interpretation of entries 8 and 6 of the convention (The right to respect the private and family life of each individual.) In Rio Declaration, we can’t find a candid reference to the right to the environment but by interpreting the constant development, some experts extract this right from Rio Declaration. In the world conference on social development, the reciprocal dependence between social and economical development and protecting the environment. And thus human right commission of the united nations approved the first Declaration based on” strengthening a world with a healthy environment helps protecting human rights and considered the environmental damages as having negative effects on the profit from like, health and satisfactory standards of life. (UN DOC.
In an introduction on the basics of the international laws supervising constant development the expert group states “the right to a healthy environment is an emphasis on the convergence of the environment and development. Development is constant when its fulfillment and progress strengthens the right to the environment. Vienna Declaration introduces the right to the environment and the right of development as correlated in 1996, the united nations economical commission for Europe presented its environment has been introduced as a way and not a purpose by itself. It’s considered as a method to make human enjoy the basic right of life. This recognize the basic right to the environment. In the entry, one of the convention, the right to a healthy environment is introduced as a tangible accepted right.

3.3.4 Examination of international approaches

In this discussion, First subject of the environment is noted as a part of human right by the united nations and the country’s approach is considered.

1.3.3.4 The united nations

The discussions related to the environment has been examined in human commission and the subordinate commission of fighting discrimination. Under different title such as native rights, economical, social and subordinate and cultural rights, the subordinate commission notes the scientific and technologic development of the instances which are related to the human right violation. In 1989, the subordinate commission started a trend regarding the environment problem and its connection with human right. The related studies was completed in 1994 by fatma zohra ksentini. But neither commission nor the subordinate commission didn't exert any of her suggestion and didn't discuss the sketch of human right basics and the environment which was appended the report. Although the human rights commission has placed science and environment in its instructions annually, there was never a tangible result regarding the environment. The human right commission has appointed a special reporter since 1995 about poisonous garbage and the environment. The human right commission has appointed a special reporter since 1995 about poisonous garbage and the environment. Several treaties on human rights has bean regulated under the supervision of the united nations. The right to clean environment has bean independently recognized by treaties. But the convention pillars can study the issues related to the environment in regarding the discussions on the right to the life or health. Regarding the discussions on the right to the environment as a part of human rights, the reports and complaints of the people is important because the addressees of these complaints are governments and people will pursue this subject as their individual right to the healthy environment. (Mowla'ii, 2007)

2.3.3.4 Analytical review on the principles of international conference declaration on the environment in Rio.

Obtaining earnings and exerting policies of constant development in countries should be fair and controllable. They should also be adjusted with the united nation's standards and
the international legal principles. All countries and people are in accord with the nature. It's necessary for undeveloped countries especially poor and susceptible countries to be protected universally against the environment pollutions. Thus, world participation and cooperation of countries to protect the environment is noteworthy. Since industrial countries inflict much damage to the environment during their international continual attempts towards development, they have a more responsible position towards environment pollution while having a better financial powers and technology. (principles 6 and 7). Providing constant development and better quality of life for all people is possible by improving the methods of production and consumption as well as exerting reasonable population and consumption as well as exerting reasonable population policy. Also strengthening this development will be possible by changing and access to the new achievements. Then the compilation of the effective rules for the environment with each country's environment conditions and development, economy and social expenses. (principles 10 & 11). A better settlement of the environment problems is only possible by other countries' cooperation. The compilation of the environmental ultra boundary standards should be based on international standards as much as possible, also, the compilation of national and international laws is necessary for those who cause environment pollution in order to make up for any loss and negative consequences. Thus exerting any standard and preventive criterion even if it's exorbitant seems necessary. When environmental issues, events or natural disasters occur, the governments should analyze them through the experts from government authorities as well as inform other countries immediately and consult them in a quick trusting manner. (17, 18, 19). The people in a country, even women and youth play an effective role to realize the constant development which is about the environment. (20, 21, 22) Since the possibility to exploit the environment and natural sources is limited, the countries should settle all their disputes about the environment in agreement with the United Nation's charter. Peace, development and environment preservation are all dependent on each other so countries should avoid wars because wars naturally destroy the constant development. (principles 25, 24, 23, 26) To sum it up, performing the principles of this declaration and development is only possible through complete trust, cooperation and countries' and human's participation. in regards with the discussions on the right to the environment as part of human rights, it's important to note people's reports and complaints are governments.

3-3-3-4 Dealing with people's complaints in Treaty bodies

Three Treaty organizations of the United Nation which are human rights committee, the convention in change of deleting all forms of race discrimination and Ban Torture convention take care of individual complaints. In regard to the damages done to vulnerable social groups due to the environment destruction, the convention in change of invoked deleting all forms of race discrimination has been more than all the other international documents. The issues in the subsidiary committee which are related to the environment can be divided into 2 main groups:

A: issues related to nuclear weapons and radioactive substances

B: issues related to the rights of native groups or the minorities
In 1995, a complaint by Jahn Tembarru regarding nuclear tests in the Pacific Ocean was submitted to the committee against France. The complainants claimed that France's nuclear tests in 1996 were considered a threat to the right to life and living (articles 6 and 16 of the political civil rights). The committee declared that the complainants' case wouldn't be heard since the complainants weren't considered as victims based on legal criteria. Yet, in 1984, the human rights committee had criticized nuclear tests as a threat against the right to life of people in its general comments. With reference to article 27 of the political civil treaty, the committee has supported the interpretive comment which was proposed in 1994. According to this interpretive comment, cultural symbols in some of their forms include a special way of life which can appear using natural sources.

4-3-3-4 Countries' Policy

1-3-3-4 European Countries

European human rights court has noted the right to healthy environment as an instance of life right with reference to different articles in European human rights convention (Marina J Acevedo, Zoo, p431). The European human rights court has officially recognized the right to protect home or individual family life against serious pollution and the right to be informed of environmental damages according to article 8 of the European convention. (Spain 1994 to EHR 277 Ostra Lopez, 7) and (Guerra 7 Italy 1988/ EHR 357). How much To have the protection right against environmental dangers has been discussed and accepted less according to article 2 and life right. The European human rights court has invoked article one of the affixed protocol of the European human right convention supervising the right to protect properties and article 14 of the convention supervising non-discrimination in having the rights written in the convention (Matrix, 2003: p.19 Cook Kata, Chambers). Maybe the most remarkable environmental issue in judicial approach of the European human right court is Lopez Ostra's case which is related to the functions of the factory dealing with recycling garbage from gall industry due to malfunction, made health problems and inconvenience for many neighbors. Ms Lopez complained that the factory must stop working but the court recognized that although the factory makes problems but it's not a serious danger for the neighbors. The revision decision was issued to the factory's benefit. Then Ms. Lopez complained to European human rights commission that local authorities' passivity has violated her rights according to article 8, clause 1 of the European human rights convention and article 3. The commission approved the first complaint but rejected the second case. In regard whit the complaint about violating article 8 of the convention, the court states: serious environmental pollution influences people's health and prevents people from using their house. During the last years, many complaints have been made to the European human rights court regarding nature and environment protection as human rights protection as human rights. Most of these complaints are against France because France has announced hunting free in small states and the owners of territories pronounced in their claims that France has violated their rights to peacefully enjoy their properties and the freedom right of organizations and conscience right. These complainants adduced article 1 of protocol 1 and articles 9 and 11 and...
14 of the convention. In 1997 the European commission issued a report in regard with marie Jeanne and other' case and approved the violation of all the claimed rights. The other case known as leon mention Dumont, Josephine was referred to human rights court. In zimmerman and steiner case against Switzerland, the court proclaimed that article 6 of european convention of human rights is evocable in legal suits regarding the compensation of losses caused by sound pollution around the airport. (Zimmerman and steiner 70switzerland, echr, seria a 1982.). Environment preservation movements such as green political parties are more active in Europe and have not been successful in other zones. This subject can be because other factors are involved in the formation of green parties and their successes which are national cultures, political systems and election opportunities and democratic institutions. Yet, the first political green party was "values party" which was founded by local people in 1972. This party obtained 5 percents of the votes in 1975 election. The English green party started its mission as a European green party, however at the beginning and in 1973, it was named people party. The other change happening in 1975 was this party's name change into ecology party and green party in 1985. The most well-known and election ally most successful green party is Germany's Di Gronz green party. Within the political system of Germany, which emphasizes election and representatives' attendance even in smaller parties, this Di Gronz green party allotted 25 parliament chair s in 1983 and provoked a big stimulus for green parties all over Europe and other countries. Nowadays, green parties all over Europe and their electoral chance has been changing like their commitment to new kinds of "anti political policies". (Rommel, 1989, Havel 1988_muller). When these parties enter political systems, they encounter new parties enter political systems, they encounter new pressures in order to conform to the existent organizational models and abandon their radical policies.

2-3-3-4 Human rights and environment rights in latin America

The instances which are to be described below, refer to environment topics in Argentina, chilli, Colombia, castarica and pera. 3 important lessons are obtainable from checking the judicial approach. First, courts recognize the right to a healthy environment by taking particular decisions. Third, they show which methods are effective to protect these rights. The courts in latin America have stated that the right to a healthy environment is a fundamental and essential right. These decisions are important and we review the selected items (razzaqe j.1996)Argentina courts have approved the right to life in a healthy environment. An official court stated that "every citizen's right to preserve his living place is an individual right and he is supposed to take a step to protect the environment (alberto Katter and others' case). In a case in 1993 about environmental damage to fisheries and wild life in a pond, the court stated that "the right to live in a balanced and healthy environment is an essential need. Arty attack to the environment is threat to life and is harmful for the integrity and people's physical and spiritual perfection which is based on ecological balance. After changing this charter, this right has been recognized and interpreted by judiciary power. About alberto sagarday, the court has noted the right to protect the environment of anyone as a "natural human right" which lets the citizens make legal suits against governmental organizations. In 1991, in colombia's constitution law, the right to the environment is
recorded. Colombian courts stated in 1991 that: everyone has the right to use and enjoy life in a healthy environment. This topic should be mooted as a fundamental and essential right. In 1993, regarding Antonio mouricio monorog cespedes, the court noticed that along with essential rights such as freedom, equality and necessary conditions for people's lives there is also environment life too. In regard to funded public case Columbia constitution law court stated that there should be a compromise between the present and future generation about environment preservation. In some cases, Colombia courts have noticed the social function of possession as a way to balance it against environmental sources. For example: in the decision made in 1993, it was said that the social function of possession refers to special duties and it means that it's respected as for as it's used for general benefits. At last there appears an interesting case of the results of people's rights' definition for a healthy environment in regard with the decision made in 1994 in a city in Columbia. A complaint was filed against causing poisonous damages to the sea room the residents. Based on the human right to a healthy environment, the court ordered that the ship which had emptied the waste in Columbia port should load the waste again and move from Columbia within 24 hours. Costarica's supreme court has approved the right to the healthy environment. Quoting the town court in Columbia, the supreme court in costarica stated that life is possible when it is correlated with nature which feeds and supports us, and it's not just food but also physical health which are among the rights people should have in an environment that is clean from pollution. This basic is clear in the social life. In 1993, Columbia court stated that: although human has the right to use the environment to develop and advance, he also should be responsible for its perseverance so that future generations can use it too. In regards with Iraza margarita's case, Guatemala's environmental court stated that changes to the environmental losses can't be compensated by being paid and these losses will be enforced on coming generation. When dealing with environmental issues, Latin American courts approve of the traditional relation between human rights and environment right and in addition to that, they recognize new aspects of the right to a healthy environment and introduce new aspects for a connection with this right. In the decision made in 1993, Peru supreme court declared that for the present and future development of the district it's very useful to preserve and control verbenas, the American system of human right commission has maintained a relation between the quality of environment and the right to life regarding Brazil's Yanomani natives' case. In the legal suit against Brazil, it was claimed that this government has violated children rights' declaration and "man" duties by building a highway in Yanomani lands and obtaining a warrant to use the sources there. This act caused many non-native people to rush to this land. Those people who were coming down with contagious diseases were left incurable due to a lack of clinical cares. The commission recognized that the government has violated the right to life, freedom, personal safety, particle one of declaration together with the right to residence, movement and the right to health and happiness preservation. (case 7615 Brazil INTER – AM.CH.R, 1985 Annual Report 24. OEA.L/v/II.66,1985).
3-3-3-4 south of Africa and Asia

Human and environment rights were mooted in a part in Asia and Africa in united nations environment programmes and united nations supreme commission in 2002. This report examined the progress of human and environment rights during 2 decades, 1992 to 2002 in south of Asia and Africa and studied some Asian and African countries' constitutional laws regarding human and environment rights. Based on this report's orientation, the nature of environment issues and human rights is similar in all countries in south Asia. A large list was presented about issues related to the environment such as water pollution, lack of control over river pollution, irresponsible construction of dams, lack of access to drinkable water free from poisonous substances or other pollution, increase in pesticides and agricultural chemical substances, supplying and transferring dangerous goods, pollution from harmful liquid substances or other pollution, increase in pesticides and agricultural chemical substances, supplying and transferring dangerous goods, pollution from harmful liquid substances, decrease in sea sources and beaches, air pollution, industrial pollution, energy consumption and smoke accumulation. The right to a healthy environment has been supported in the laws of most countries such as Philippines, Pakistan, India. In Pakistan and Bangladesh, environmental laws include water and air pollution and their improvement within special limits. In Pakistan, Environmental protection act has foreseen environment principles and the guarantee to carry out them and the methods to preserve and support it. In Bangladesh, environment preservation law in 1995 provides a legal framework for the environment, the claimant has the right to access hearing? Although since 1990, Pakistan and Bangladesh have presented a very liberal interpretation of their claim right, no criterion or guide is presented about the concept of general benefits. Overall it can be stated that the recognition of this subject is within the lawyer's control about which many contradictory decisions have been issued. A survey of India and Pakistan's court procedures shows that separation and delimitation of human and environment rights claims are hard. In many claims mooted under the name of general benefits, both environmental and human rights' aspects have been taken into consideration. In Bangladesh and Pakistan, claims about general benefits mainly include all environmental aspects such as air or water pollution, trash management and city pollutions. India's courts also made decisions concerning claims about damp land preservation, air and water pollution, sound pollution, business and environment, subterranean water management and city sewage system management and development. Similar climes have been noted in Pakistan and Bangladesh's courts. (Razzaque, 2003: p.45). India supreme court has also noted constant development in its votes. Following Rio declaration, India's courts increased their support of the environment rights and declared that no justification in regards with threats or ruins to the environment is acceptable and such activities should be legally prosecuted. Part eleven of south Africa's constitutional law has been allotted to the right to life. In part 24 of the constitutional law, the right to enjoy a healthy environment has been recognized formally and the government has been introduced to be in charge of environment health preservation. To guarantee performing the environment rights the government follows a logical clear procedure and it has institutionalize two basic rights which are the right to access the
information and the right to perform the decisions effectively. In Nigeria's constitutional law, the right to the environment has been noted as an individual right and within human rights. In part one of particle 33 of the constitutional law it says that all people have the right to life and this right means preserving residents' rights against environment ruin and degradation. Nigeria's courts consider any damage or ruin to the environment as a violation of human rights. Protecting the environment has been particularly noted in oil-rich areas.

**Conclusion:**

The right to the environment has been noted as a part of the right to life, the right to standard and sanitation, the right to healthy weather, the right to cultural interests and features and has been mainly developed inside the first generation of human rights. Claims related to this part of human rights such as civil and political rights against national government in national courts, ultra-national references like European human rights court and supervisory organizations of the United Nations' human rights commission and the subordinate commission of fighting with discrimination have been mooted and prosecuted. Due to its nature, the right to the environment can be demarcated with the first generation rights from the view point of how to claim a suit and Loos the present generation has the legal position to claim legal action instead of the coming generation. Yet, in conditions where losses to an individual right is inerrable due to respelling general benefits and rights, the suits resulting from environment individual right can't be hear. A survey of government and judicial procedure shows that the right to the environment has still a long way in order to be recognized as one of the symbols of the third generation of human rights because the mentioned generation is facing serious problems from the viewpoint of basics and contents and the way to prosecute people's demands against the general.

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