



# Exploring the Convergence of Environmental Law and Human Rights from the Perspective of Islamic Jurisprudence

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## Abstract

The relationship between human rights and environmental protection in international law is not a simple or obvious one; although the connection between environmental law and human rights, as well as the implications of environmental issues on many human rights, is undeniable. In cases of conflict and overlap between these two fields, perceiving human rights and environmental law as either aligned or conflicting is highly instructive in identifying priorities. Through the conducted research, it is evident that the Quran's perspective on nature is entirely different from that of other religions and legal systems, and the human right to the earth is limited in certain cases where it conflicts with the environment. Since contemplation and attention to nature can be inferred from the verses of the Holy Quran and all Islamic teachings, the convergence of environmental law and human rights from an Islamic perspective is an accepted matter.

**Keywords:** Human Rights, Environmental Law, Right to the Environment, Alignment, Conflict

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## Introduction

The existence of a suitable environment is an inseparable part of the necessities of human life and survival. For this reason, in the contemporary world, the focus on respecting environmental rights, sustainable development, and related policymaking has become a priority in the management of national affairs. There is no doubt that environmental law significantly impacts many human rights, including the right to life, the right to health, the right to housing, the right to food, the right to enjoy environmental standards such as clean air, soil, and water, and welfare rights. Therefore, the connection between human rights and environmental law is undeniable.

In this article, we seek to answer the question of whether the right to the environment can be considered one of the human rights. Clearly, the answer to this question is of particular importance in terms of cases where conflicts arise with other human rights. If we consider it a right independent of human rights, points of friction and conflict will reach their maximum, and resolving conflicts will become more challenging. However, if it is regarded as one of the human rights, conflicts, and other challenges among the components of a single system will be minimized. In Islamic law, particularly in the Holy Quran, there are verses concerning the environment that indicate God's true ownership of environmental resources and that God has placed the environment at humanity's disposal for use within the limits of necessity. Thus, the human right to the earth is limited in cases where it conflicts with the environment.

## The Nature of the Relationship Between Environmental Law and Human Rights

Not long ago, countries with so-called emerging economies did not prioritize the environment or the sustainability of development. However, global realities indicate that countries have no choice but to reconsider this belief (Report of the United Nations Sustainable Development Summit 2012: 5). Since the 1970s, national constitutions have gradually recognized the right to the environment as one of the rights of individuals and a citizenship right, in line with international changes. Now, it is necessary to examine existing approaches regarding the

relationship between human rights and environmental law and the place of environmental law in human rights treaties.

## **1. Theoretical Approaches: Philosophical and Religious Perspectives**

In this section, we aim to present the theoretical foundations and historical background of environmental law. Existing theories on the relationship between human rights and environmental law are based on two primary approaches: anthropocentrism (human-centered) and ecocentrism (nature-centered). Alongside these two approaches, a third approach has emerged, rooted in the concept of sustainable development. In addition to these three approaches, Islam's perspective on nature and the environment, as a God-centered view, must also be considered. Therefore, we will discuss each of these theories and related beliefs separately.

### **1.1. Theories of Ecocentrism, Anthropocentrism, and Sustainable Development**

In each of the two primary theories—ecocentrism (nature-centered) and anthropocentrism (human-centered)—there are extremes and excesses among their proponents. Some, based on two different interpretations of human needs, distinguish between weak and strong anthropocentrism (Armstrong and Botzler, 2003: 314). According to this, strong anthropocentrism values non-humans and objects for their ability to meet general and logical needs (ibid: 309–310), while weak anthropocentrism critiques and rejects value systems that encourage exploitative tendencies toward nature. Proponents of anthropocentrism base their work on Kant's belief that moral values should be limited to humans as the only beings capable of using reason and language while extending ethics to non-humans is deemed irrational and impractical (ibid: 310). Nevertheless, supporters of this theory claim that anthropocentrism is not necessarily synonymous with greedy exploitation of natural resources or unnecessary abuse of living beings. However, some environmentalists (Murphy, 1993: 139) argue that these assumptions and claims are misleading because humans are neither the center of the universe nor the pinnacle of evolution. They contend that anthropocentric tendencies lead to ecological disasters and that ecological changes through law and policy are ineffective without ecosystem-centered changes. They

further argue that relying on criteria such as mental and communicative abilities to exclude non-humans from ethical considerations is irrational and unconvincing. They point out that the same criteria apply to various human groups, especially infants and individuals with mental disabilities, yet these groups are not excluded from ethics. Ultimately, anthropocentrism seeks to lock people into its orbit and makes the ultimate centrality of humans inevitable. Thus, the difference between anthropocentrism and ecocentrism is, in many ways, a distinction between instrumental and intrinsic values. Instrumental value is tied to the usefulness of something, while intrinsic value is inherent to the thing itself, independent of external factors. According to intrinsic value is the valuation of something for its own sake, as an end in itself. (Callicott, 2002: 16)

In criticism of anthropocentrism, ecocentrism emerged, which today serves as a general term for all value systems that are non-anthropocentric. In reality, ecocentrism is not a single theory or philosophy but a combination of environmental approaches in diverse domains where spiritual, scientific, and metaphysical approaches merge to form various green or radical theories. The essence of this concept revolves around displacing humans from the center of the world and replacing them with nature. Ecocentrism shifts the focus of human thought from humans to a network of interdependent relationships between humans and nature<sup>1</sup>. Some use the term "ecosystem-centered" because they believe ecocentrism assigns moral status to sensitive and non-sensitive living beings, while ecosystem-centered approaches extend moral consideration to all entities, including species and ecosystems (Espin, 2007: 5). Thus, the term "ecosystem-centered" is considered more useful for assigning the highest value to the ecosphere and the ecosystems it encompasses.

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1. Multicentrism, a new paradigm in environmental philosophy, challenges the anthropocentric and biocentric philosophies by questioning their validity, as they are too broad to be confined to a single center. According to Anthony Weston, multicentrism envisions a world of multiple, irreducible centers of beings and values, rather than a single axis of any scale or level of development. Instead, it proposes several axes that partially overlap, each with its own unique center. Multicentrism implies a form of collective ethics that transcends human-centric spaces. (Source: Anthony Weston, *Multicentrism: A Manifesto for Environmental Ethics*, 26 (2004), p. 38)

Following these two foundational theories, a third perspective emerged, integrating human rights and environmental protection based on the concept of sustainable development. Concepts such as social justice, eliminating inequalities, human rights, and environmental protection, alongside economic growth and development, gave rise to a new paradigm. This evolutionary process led to the birth of the concept of "sustainable development" (Āghāyī, 2003: 12–14). Sustainable development translates the necessity of reconciling economic development with environmental protection (Ifitkhār Jahromī, 2009: 2). Today, sustainable development has become the ultimate goal of environmental management. The right to a healthy environment and the right to development, whose simultaneous realization requires sustainable development, are considered manifestations of human dignity and complement human rights for the present generation while ensuring their realization for future generations (Ifitkhār Jahromī, 2009: 15). This theory seeks to establish a harmonious relationship between the two initial perspectives, leveraging the advantages of both to foster interaction between them. In support of the relationship between human rights, environmental protection<sup>1</sup>, and sustainable development, reference is made to the UNHRC Resolution in 2005 (2005: 60) can be cited as an example. The OHCHR report in 2011 emphasized that human rights obligations and commitments have the potential to inform and strengthen international, regional, and national policymaking in the field of environmental protection, encouraging coherence between policies, regulations, and sustainable outcomes<sup>2</sup>. However, this report does not introduce any new perspectives—or even attempt to propose new

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1. A 2009 report for the Office of the High Commissioner for Human Rights (OHCHR) highlights the key point that while global human rights treaties do not explicitly recognize a specific right to a healthy and safe environment, all UN human rights treaties acknowledge the definitive and intrinsic relationship between the environment and a range of human rights, such as the right to life, the right to health, the right to food, the right to water, and the right to housing.

2. Efforts are being made to propose criteria for measuring the effectiveness of policies aimed at achieving sustainable development. For further reading, refer to David Leary and Pisupati Balakrishna, *The Future of International Environmental Law*, translated by Mehrad Mohammadi, published by Shahr-e Danesh, 1st edition, 2015, p. 137 onwards.

perspectives—on the relationship between human rights and the environment. The report outlines three theoretical approaches to the relationship between human rights and the environment. (OHCHR 2011 Report, 2011: 6-9)

1. The first approach considers the environment as a prerequisite for the enjoyment of human rights.

2. The second approach views human rights as a tool for addressing environmental issues, both practically and intrinsically.

3. The third approach integrates human rights and the environment based on the concept of sustainable development (Boyle, 2012: 623).

Sustainable development focuses on two key components: the basic needs of humans, particularly the poor, and the rights of future generations to access environmental resources, considering the pressures exerted by social organizations and technological conditions on the environment (Ifitkhār Jahromī, 2009: 31).

The Legal Commission of the United Nations Economic and Social Council, encouraged by the General Assembly under paragraph 3 of Resolution 94/45, appointed a special representative to prepare a report on the relationship between human rights and the environment. The Commission approved this report, which has consistently been cited in the rulings of domestic and international judicial courts (Ḥabībī, 2003: 150). The rulings of the European Court of Human Rights in cases such as López Ostra, as well as the resolution on human rights and the environment adopted at the third session of the General Assembly of the Organization of American States (2001), emphasize the need to study the relationship between these two fields and seek to establish an interaction between them (Ibid: 152). These developments highlight the growing recognition of the interdependence between human rights and environmental protection, as well as the importance of integrating these fields through the lens of sustainable development.

## 1-2: The Approach of Non-Islamic Divine Religions to the Environment

Some biologists accuse Judeo-Christian teachings about creation as the primary cause and root of the biological crisis, due

to their encouragement of domineering and arrogant human behavior toward nature. Western Christianity, as introduced by both Catholics and Protestants, is recognized as the most anthropocentric religion compared to other faiths (White, 1967: 5-6). The American scholar Edward Payson Evans (1831–1917) was the first to highlight the relationship between anthropocentrism and Christianity, strongly criticizing the anthropocentric nature of Christianity in contrast to holistic religions like Buddhism and Vedism. Seventy years later, in 1967, Lynn White reiterated this criticism in an influential article titled *The Historical Roots of Our Ecological Crisis*. According to White, the roots of today's biological crisis can, at least in part, be linked to Judeo-Christian teachings, which tend to view humans as masters of nature rather than part of it (Leib, 2011: 12).

White bases his claim on a passage from the Torah—Genesis 1:26—a controversial verse often interpreted as humanity's mission to dominate nature: "*And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth*" (Genesis 1: 26). White argues that this strong inclination toward domination and superiority over other creatures stems from biblical passages that emphasize humans being created in God's image. Thus, he concludes that these sacred statements are rooted in Judeo-Christian beliefs that God created the Earth and its blessings for human satisfaction and that nature exists to be exploited by humans.

However, White distinguishes the teachings of St. Francis of Assisi, who held a fundamentally different view regarding the limits of human power over creation, considering him the "patron saint of ecologists." St. Francis, who viewed God as the creator, referred to all living creatures as brothers and sisters. Schaeffer, a Protestant theology scholar, rejects the characteristics attributed by White to Christianity and its anti-environmental stance, arguing that human dominion over nature is positive, not destructive. He claims that it was the original sin, entering the world through the Fall, that distorted the relationship between humans and nature. Therefore, humans have ethical duties toward nature, as it is a gift from God. This protective view suggests that

God chose humans to care for the non-human world. Similarly, DeWitt asserts that the Bible is full of environmentally friendly teachings, and the main issue lies in the implementation of these teachings, not the teachings themselves. He calls for fruitful collaboration between ecologists and churches to save the natural world (Northcott, 1996: 126).

These discussions highlight the complex and often contested relationship between religious teachings and environmental ethics, particularly in the context of Abrahamic religions. While some argue that these traditions have contributed to ecological exploitation, others emphasize their potential to foster environmental stewardship and responsibility.

### **1-3: Islam's Approach to the Environment and Humanity (Theocentric Perspective)**

In contrast to the approaches found in other religions such as Judaism and Christianity, which are not widely accepted, according to Islamic teachings, the environmental problems of the world are not merely biological or empirical issues. They stem from the fact that humans do not recognize themselves as being encompassed by God and do not believe in the infinite divine essence as the true owner of the environment. The independence of humans from their environment and, consequently, their separation from the divine environment is the root cause of the current environmental degradation and crisis. While Islamic jurisprudence considers human nature as the primary purpose, this does not mean that humans have absolute authority over it. The Quran's view of nature is entirely new and distinct from other religions.

#### **1): The Quranic Verses**

In the Holy Quran, God invites humanity to reflect on nature and emphasizes this repeatedly (Muḥaqqiq Dāmād, 2014: 88-101). It is important to note that, from the perspective of Islam and the Qur'an, the entire universe, of which the natural world is a part, is considered a sign of the Almighty. In verse 53 of Quran 41 (Surah Fuṣṣilat), it is stated: *"We shall show them Our signs in the horizons and their own souls until it becomes clear to them that He is the Real. Is it not sufficient that your Lord is witness to all things?"* In verse 83 of Quran 3 (Surah Al-‘Imrān), it is asked:

*"Do they seek a religion other than that of Allah, while to Him submits whoever there is in the heavens and the earth, willingly or unwillingly, and to Him, they will be brought back?"*

The Quran, as the holy book of Islam, places great importance on nature, often using various natural phenomena as subjects of its oaths. In numerous verses, God swears by elements of nature such as the sun, moon, earth, and sky: *"By the sun and its forenoon splendor, by the moon when it follows the sun, by the day when it reveals it, by the night when it covers it, by the sky and Him who built it, by the earth and Him who spread it,"* (Quran 91:1-6). When God swears by nature in this manner, it underscores the inherent value and importance of nature in Islam.

In verse 126 of Quran 4 (Surah An-Nisā), it declares that the heavens and the earth belong to God, emphasizing that nature is owned by God and not by humans. Although verse 14 of Quran 23 (Surah Al-Mu'minūn) refers to the creation of humans as the pinnacle of God's creation and even congratulates Himself on creating humanity, and while humans are described as God's vicegerents on earth, the Quran also highlights the special status of nature. The Quran names several chapters after animals or natural elements, such as Surah Al-Baqarah (The Cow), Surah An-Naḥl (The Bee), Surah An-Naml (The Ant), Surah Al-Ankabūt (The Spider), Surah Ad-Dukhān (The Smoke), Surah An-Najm (The Star), Surah Al-Qamar (The Moon), Surah Al-Ḥadīd (The Iron), Surah Ash-Shams (The Sun), Surah At-Tin (The Fig), and Surah Al-Layl (The Night).

In verse 65 of Quran 22 (Surah Al-Ḥajj), it is mentioned that everything on earth has been made subservient to humans, and in verse 20 of Quran 31 (Surah Luqmān), it is stated that God has subjected everything in the heavens and the earth to humans, thereby completing His blessings upon them. Based on these descriptions, one might argue that the Quran's perspective is anthropocentric, suggesting that everything was created for the sake of humans and to fulfill their needs.

However, as previously mentioned, given the numerous verses that emphasize the value of nature, it is difficult to conclude that the Quran supports an entirely human-centered view. For instance, in verse 205 of Quran 2 (Surah Al-Baqarah), the destruction of nature and vegetation is equated

with the unjust shedding of human blood, both of which are condemned and prohibited.

The glorious Quran also warns against the excessive consumption of food and drink (Quran 7:31; 6:141; 4:6; 25:67; 17:27; 26:151; 10:83; 40:43). In other verses, the Quran invites humans to reflect on the manifestations of nature, indicating God's special regard for humanity about nature.

## 2): The Prophetic Narrations

In addition to the divine verses, authentic narrations also address the intrinsic value of nature. For example, the anger of nature in response to human thoughts, behaviors, and actions is equated with the anger of God (Majlisī, 1404 AH: 373). Another narration states that biased judgment by a judge can lead to the cessation of blessings and rainfall (Ḥurr al-ʿĀmilī, 1988: 255). Although the purpose of this narration is to condemn inappropriate human behaviors, such as a ruler lying to the people, which results in the cessation of rain, it also highlights the intrinsic value of nature concerning humans. Nature has its own independence alongside humans, and therefore, it can also oppose them.

In Islamic jurisprudence, particularly in Shia Imāmi jurisprudence, some narrations emphasize the value of nature. For instance, Imam Ṣādiq (a.s) considered a healthy environment to be dependent on clean air, pure water, and fertile land (Majlisī, 1404 AH: 233). Similarly, Shaykh Ṣadūq, in his book *Man Lā Yaḥduruhu al-Faqīh*, narrates from Imam Ṣādiq (a.s) that he placed special emphasis on preventing water pollution by humans (Muḥaqqiq Dāmād, 2014: 91).

In summary, by examining these verses and narrations, it can be argued that Islam establishes a relationship between humans and nature, imposing responsibilities on humans toward the environment and recognizing certain rights for the environment concerning humans. While Islam considers nature and the environment as subservient to humans and affirms the existential primacy of humans, it also identifies duties and obligations for humans in their interaction with the environment.

Mullā Sadrā, the 11th-century philosopher, inspired by the teachings of the Quran, states: *“The essence of the divine command is religion, which governs the entire world, including*

*humans, animals, and inanimate objects such as mountains, deserts, seas, and other components of the universe. Therefore, all existence and beings, whether possessing free will or not, are religious and adhere to religion.”* In other words, from the perspective of Islamic jurisprudence, nature is connected to God, even if humans do not perceive it. (Muḥaqqiq Dāmād, 2014: 91) Thus, the claim that anthropocentrism in religions is the cause of current environmental destruction is clearly rejected within the realm of Islam, especially when considering the sources of Sharia, including the Quran.

## 2: The Right to Environment in Human Rights Treaties

Human rights treaties, except for the African Charter on Human and Peoples' Rights, despite their progressive characteristics, still do not guarantee the right to a healthy or satisfactory environment. As the European Court of Human Rights (ECTHR) emphasized in the *Kyrtatos*<sup>1</sup> case, neither Article 8 nor any other provision of the Convention was specifically designed to provide comprehensive protection for the environment. Similarly, the Inter-American Commission on Human Rights rejected the claim of Panamanian citizens for the protection of a natural reserve<sup>2</sup>. The practice of the United Nations Human Rights Committee is no different. In a case concerning genetically modified plants, the Committee stated that no individual could theoretically oppose a law they consider inconsistent with treaties. None of these cases provided support for the concept of an individual and independent right to a healthy environment.

The UN Committee on Economic, Social, and Cultural Rights has issued various general comments related to the environment and sustainable development, including comments 14 and 15, which interpret Articles 11 and 12 of the International Covenant on

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1 . This case concerns the illegal extraction of water from a wetland. The European Court did not find any violation of the plaintiffs' rights in terms of their livelihood and enjoyment of property rights resulting from the destruction of the land.

2 . *Metrololitan Nature Reserve v. Panama* (2003) IACHR Case 11.533, at para. 34.

Economic, Social, and Cultural Rights (ICESCR) to include access to sufficient, safe, and affordable water for domestic use and sanitation<sup>1</sup>. They also cover the prevention and reduction of exposure to harmful phenomena such as radiation, chemicals, or other environmental conditions that directly or indirectly affect human health. These are important and useful interpretations that also impact related areas of international law, including Article 10 of the 1997 UN Watercourses Convention, which prioritizes vital human needs when allocating limited water resources<sup>2</sup>. In this regard, current economic and social rights contribute to ensuring some essential features of a healthy environment. Article 1 of the ICESCR recognizes the right of people to pursue free advancement of economic, social, and cultural progress and the free use of capital and natural resources. However, instead of comprehensively improving environmental and industrial health, Article 12 of this treaty makes no specific mention of environmental protection. Despite the efforts of treaty members to invest in the treaty with greater emphasis on environmental issues, it has still failed to properly promote and grant the right to a healthy environment as an important matter and demand of the general public. The lack of a legal status means that those values that have legal standing, such as economic development and the exploitation of natural resources, can take precedence over and dominate the environment. This is an oversight and negligence. If we are to give the environment, as a public good, the value it deserves in balancing economic, social, and cultural rights, we must address these oversights. This could also be a way to use human rights laws to address the effects of activities related to greenhouse gas emissions, which cause climatic changes and have devastating effects on the global environment (Boyle, 2012: 628-629).

The relationship between environmental law and human rights is emphasized in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (2004) by the FAO (Food and Agriculture Organization of the United Nations), which has also

1 . UNCESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health, UN Doc.E/C.12/2000/4 (2000); General Comment No. 15: The Right to Water, UN Doc.E/C.12/2002/11 (2003)

2 . Report of the 6th Committee Working Group, 1997, GAOR A/51/869

been affirmed by the General Council of the FAO. Alongside international documents addressing environmental issues and their connection to human rights, such as the Stockholm Declaration of 1972, the establishment of the World Commission on Environment and Development by the United Nations General Assembly in 1983, the United Nations Conference on Environment and Development (UNCED), famously known as the Rio Summit of 1992, the United Nations Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the World Summit on Sustainable Development (Earth Summit 2002), and ultimately the landmark international document in this field, the Aarhus Convention.

Public participation is a central element in sustainable development, and incorporating procedural rights in the style of Aarhus into general human rights laws significantly contributes to this goal<sup>1</sup>. In this context, the primary emphasis on the customary and procedural rights outlined in Articles 6 and 8 of the Aarhus Convention can be seen as a tool for regulating decisions related to sustainable development, not merely as an effort to expand participatory democracy or improve environmental management<sup>2</sup>. Aarhus is also notable in this regard because Article 9 strengthens access to justice and the duty of public authorities to enforce existing laws. According to Article 9(3), individuals who are required to participate in the decision-making process also have the right to seek administrative or judicial review regarding the legality of the resulting decisions and to pursue follow-up actions. A general, though not necessarily specific, failure to enforce environmental laws could constitute a violation of Article 9(3) (Konyushkov 2006: paras 30-31). Article 9(4) of the Convention also requires that compensation be adequate, fair, and effective. This provision reflects decisions in cases such as *Östra* and *Guerra* under Article 8 of the European Convention on Human Rights (ECHR).<sup>3</sup>

Anyone who doubts that Aarhus is a human rights treaty should

1. 1992 UN Conference on Environment and Development, Agenda 21, ch. 23, para 23.2.

2. OHCHR 2011 Report, Analytical Study on the Relationship Between Human Rights and the Environment, UN Doc. A/HRC/19/34, 16 Dec. 2011, at paras 2: 7-9

3. *Lopez Ostrav. Spain*, 20 EHRR, 1994: 277; *Guerra v. Italy*, 26 EHRR, 1998: 357

keep three points in mind. First, this treaty is based on the long-standing human right to access justice and is built on normative elements that defend the rights to life, health, and family life (Zillman and Pring, 2002: 20). Second, this convention grants rights directly to individuals, not just to states. Unlike typical environmental treaties, the most innovative feature of the non-confrontational, non-judicial, and advisory guidelines in Article 15 of this convention is that the public and non-governmental organizations can submit complaints to a private committee, whose members are not only independent but may also include representatives from non-governmental organizations<sup>1</sup>. This committee is tasked with amending and clarifying the provisions of the Convention. In all these matters, the nature and function of this convention are closer to a controlling human rights treaty than to a typical environmental agreement.

Non-mandatory guidelines that are commonly found in other multilateral environmental agreements. Third, the essential elements of this convention—access to information, public participation in environmental decision-making, and access to justice—have all been incorporated into European human rights law within the jurisdiction of the ECHR. In principle, the rules of the Aarhus Convention are akin to those of the ECHR, which, like other human rights laws, are enforceable in domestic courts and the Strasbourg Court.

A similar feature has occurred with other human rights treaties. Therefore, these issues are not purely European; for example, the right to effective consultation was considered by the Inter-American Commission in the case of the Maya Indigenous People of Toledo and by the African Commission in the Ogoni Land case. Thus, the Aarhus Convention achieves and delivers significant development in environmental rights and the entire body of human rights law, as well as the synergy between the two. The paramount importance of this convention is best illustrated by referencing the most significant case—the Taşkın v. Turkey case. It is worth noting that although Turkey is not a party to the Aarhus Convention, this does not prevent the Strasbourg Court from

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1. Aarhus Convention, Decision 1/7: Review of Compliance, Report of 1st Mtg of Parties, UN Doc ECE/MP.PP/2/Add. 8, 2004

broadly and specifically incorporating Aarhus rights into the ECHR. (Boyle, 2012: 623)

As societies continue to advance technologically, people also tend to adopt more complex lifestyles. When dependence on nature decreases, daily reliance on natural forces and resources also declines. The intrinsic and spiritual umbilical cord between humans and their mother, Earth, has been severed, and replaced by artificial chains of livelihood based on commerce and economic exchanges. For instance, tribal communities, in their quest for food and health, had to rely directly on the natural environment around them to obtain meat, fruits, medicinal plants, and other necessities. In contrast, modern societies depend on economic institutions like supermarkets and pharmacies to meet their basic needs. In the collective and popular mind, nature has been reduced to a luxury commodity or, for some, a romantic refuge. In this regard, environmental ethics are committed to reducing this deviation of modern humans from nature by fostering a paradigm shift in humanity's relationship with the environment and nature.

Environmentalists have increasingly relied on environmental ethics and philosophy to find non-legal solutions to address or mitigate tensions surrounding current ecological crisis challenges. They have used metaphysical, ontological, and religious interpretations to shift social and cultural patterns in human perspectives toward the environment, striving to instill a sense of respect and fear of losing a treasure called nature. Although this line of thinking may not be entirely coherent, its goal is to rectify the imbalance between humans and nature in favor of nature. However, anthropocentrism, even in its weakest form, remains the dominant philosophy in environmental legal systems. Despite the growing understanding and acceptance of a holistic and global approach to ecological issues, acknowledging the intrinsic value of non-humans does not yet carry the same pragmatic weight as anthropocentrism. The belief that all species possess intrinsic value, regardless of their value to humans, is an idealistic concept. If implemented, it could logically threaten the biological survival of humans, as some scholars have argued. Declaring the intrinsic and inherent value of every animal and plant species does not prevent humans from valuing their own survival above that of other species. Examining

the philosophical and metaphysical foundations of ecological movements reveals the role of environmental ethics in fostering a fundamental shift in how humanity perceives others.

Philosophical theories have significantly influenced many international documents, such as the 1982 World Charter for Nature, which emphasizes the relationship between human destiny and nature. The preamble of this charter states: "Humanity is a part of nature, and life depends on the uninterrupted functioning of natural systems that ensure the supply of energy and nourishment." In this context, integrating the environment into the compelling realm of human rights represents an evolutionary step in the development of environmental and international human rights law. The philosophical debate on the relationship between humans and nature, and the duality between ecocentrism and anthropocentrism, forms an essential part of the discourse on nature and the emerging field of environmental law.

### **Governing Principles in Establishing Interaction and Resolving Conflicts**

By examining specific human rights documents, it becomes evident that human rights are anthropocentric, whereas documents related to environmental rights tend to adopt a more ecocentric approach, seeking to attribute intrinsic value to nature. Here, we aim to demonstrate that although environmental concerns and human rights significantly overlap, there is also a positive interaction between these two domains due to their connection to human health<sup>1</sup>, which is both established and ongoing.

#### **1): Convergence and Compatibility**

By considering environmental agreements—particularly treaties aimed at preventing pollution—we find that violating any of them may also constitute a breach of human rights obligations. Additionally, these treaties encompass other human rights, such as the right to access information or compensation for damages caused by environmental harm.

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1. The Committee on the Elimination of Discrimination Against Women (CEDAW) has linked the environment to the right to health in its concluding observations regarding states and has expressed concern about the state of the environment and its impact on women's health. As cited by David Leary and Pushpiti Balakrishna, *ibid*, p. 164.

Although it may be argued that certain restrictions to protect the environment and uphold related rights could impose limitations on other rights, potentially creating a conflict, it is important to note that rights such as property rights are not absolute. They are inherently limited by the need to respect the rights of others. Thus, when environmental rights restrict property rights to achieve a healthy environment, this conflict is resolved through the same reasoning.

To align environmental regulations with human rights, it is proposed that the safeguards of both legal systems be expanded to reduce potential conflicts. For instance, the 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR) states that every individual has the right to the highest attainable standard of physical and mental health. In 2000, the Committee on Economic, Social, and Cultural Rights issued General Comment No. 14, which extended the right to health to include factors such as access to safe drinking water, adequate sanitation, a sufficient supply of healthy food, proper housing, and healthy working and environmental conditions. Following General Comment No. 14, the UN Commission on Human Rights appointed a Special Rapporteur to explore the link between health and the environment. The Special Rapporteur agreed that the right to health is a comprehensive right that encompasses not only timely and appropriate healthcare but also factors affecting health, such as access to safe drinking water and adequate sanitation. Therefore, ensuring a healthy environment must be protected (Shelton, 2016: 172-173).

On the other hand, the right to life is the essence and core of all other rights, as a threatened or terminated human life cannot benefit from other rights. Consequently, this right is often regarded as a peremptory norm in international law, which cannot be derogated under any circumstances. Thus, states, as traditional guardians of human rights, are not only responsible when they directly violate the right to life but also when they fail to take necessary measures to prevent such violations<sup>1</sup> (Article 3 of the Universal Declaration of Human Rights - UDHR, Article 3 of the International Covenant on Civil and Political Rights - ICCPR,

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1. Article 2 of the European Convention on Human Rights obligates states not only to refrain from the intentional deprivation of individuals' right to life but also to take appropriate measures to protect the lives of individuals.

Article 4 of the African Charter on Human and Peoples' Rights, Article 4 of the American Convention on Human Rights - ACHR, and Article 2 of the European Convention on Human Rights).

General Comment No. 6 of the UNHRC considers the right to life as a supreme and inalienable human right that should not be interpreted in a restrictive manner. From this perspective, states are called upon to take positive measures to protect human life, including reducing infant mortality, increasing life expectancy, and eradicating infectious diseases, widespread illnesses, and malnutrition. This statement has broadened the scope of the right to life to extend beyond traditional threats posed by state authorities and to encompass environmental threats affecting the well-being and lives of millions of people worldwide.

The 1989 Hague Declaration on the Environment is another significant document in this regard, as it links the right to life to a healthy environment. In this context, national and regional courts have acknowledged the connection between environmental protection and the right to life. For example, the Supreme Court of India interpreted the right to life under the Constitution broadly to ensure environmental protection in both human-centric and ecosystem-centric dimensions. This interpretation advanced the status of human rights and established a rich body of environmental jurisprudence. Human-centric decisions linked environmental degradation to human life, health, and safety. For instance, in the *Chinappa and Gadawar Man* case (Leib, 2011: 42), the Supreme Court of India recognized that a healthy environment is a fundamental aspect of the right to a healthy life and that a dignified human life is impossible without a clean and healthy environment. Some environmental decisions went beyond mere environmental protection, emphasizing the need for clean air and water, or even adopting a more ecosystem-centric approach, such as ecological balance. In the *Subhash Kumar* case, the Supreme Court of India stated that the right to life includes *"the right to enjoy pollution-free air and water for the full enjoyment of life."* In another case, the Court reiterated that *"every citizen has the right to clean air for living in a pollution-free environment."*

In the *Kendra* case, the Supreme Court ruled that limestone mining in the Dehradun region must be halted, and compensation for damages to the residents must be paid to protect their right to

live in a healthy environment with minimal disruption from ecological imbalance. In this case, the Supreme Court defended the people's right to ecological balance without directly relying on fundamental rights such as life or health. This case, in addition to its non-anthropocentric orientation, also reflects the collective nature of environmental rights. Environmental rights, in all conceivable forms and types (such as the right to a pollution-free environment, the right to livelihood, the right to ecological balance, etc.), derive from a fundamental right—the right to life—which was traditionally viewed as a negative right.

However, Indian jurisprudence, by combining Articles 48A and 51A on positive environmental duties, declared a new right to the environment under the expansive interpretation of the right to life, encompassing both negative and positive rights (Leib, 2011, 43-44). Similar to the cases discussed in India, the Inter-American Commission on Human Rights (IACHR) did not limit its interpretation of the right to life to the provisions of Article 4 of the IACHR, which protects against unlawful killing. The IACHR emphasized that fulfilling the right to life and the right to physical security and health necessarily relates to and, in some ways, depends on an individual's physical environment. In the case of the Sawhoyamaxa Indigenous Community v. Paraguay, the IACHR stated that Paraguay had failed to respect the right to life of the members of the Sawhoyamaxa community *"because the lack of promotion and protection of their lands had forced them to live on the margins of roads and deprived them of access to traditional means of livelihood."* Due to the hazardous living conditions, including lack of proper nutrition and healthcare, many members of the community, including children, died.

Given the non-derogable nature of the right to life, the Court ruled that: *"the governments have to create conditions that may prevent the violation of such an inalienable right."* Therefore, respect for the right to life is ensured through positive duties and obligations. According to the Court, *"the governments must take all necessary measures to establish an appropriate legal framework to address any threats to the right to life."* However, despite its inclusion in the San Salvador Protocol, the right to a healthy environment was not addressed in this case or other cases. Instead, most cases revolved around respecting indigenous rights

to public property and resources as a prerequisite for enjoying their fundamental right to life.

Nevertheless, the Inter-American system, by defending the rights of indigenous populations to their ancestral lands, indirectly promoted the protection of nature for current and future generations, along with the care and preservation of natural ecosystems. In fact, the disconnection of indigenous peoples from nature equates to the loss of their economic rights to natural resources such as shelter, food, water, and medicinal plants, as well as the loss of spiritual and cultural rights essential to their social fabric.

However, there are limitations to relying solely on the right to life for environmental protection. Invoking environmental rights based on their connection to life-threatening conditions is a very narrow approach, as environmental risks must be severe enough to directly endanger human life. Although the right to life can encompass protection against serious environmental threats to life, relying on such a broad formula is limited to incidents involving direct threats to life. Preferably, preventive measures should be taken before environmental degradation occurs. In some cases, such as the Bhopal disaster, it may be too late or too costly to stop and compensate for environmental damage once a case reaches the court.

On the other hand, the right to privacy is part of civil and political rights. The ICCPR stipulates that no one should be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence... Everyone has the right to legal protection against such interference or attacks. Similar provisions are found in Articles 11(2) and 21 of the ACHR and in Article 8(1) of the European Convention. Many cases have been referred to the European Court of Human Rights (ECTHR) with claims that environmental hazards have affected the right to privacy of the complainants under Article 8 of the European Convention. The absence of explicit environmental provisions in the European Convention does not prevent the ECTHR from successfully addressing the negative effects of environmental pollution on individuals' enjoyment of the right to privacy (Article 8). In the *López Ostra* case, the ECTHR highlighted the impact of environmental harm on individuals' living conditions, private and

family life, and their enjoyment of their home, even when their health is not seriously threatened. In the *Guerra and Others v. Italy* case, the ECTHR reiterated its stance on the effects of environmental pollution on an individual's enjoyment of their home and family life. Although in recent cases, the ECTHR has shown a tendency to support individual environmental interests through claims for the right to privacy, it also emphasizes that individuals should only claim this right when the source of pollution has a direct and severe impact. Unlike the *López Ostra* case, where no connection to health was needed to declare a violation of Article 8, the ECTHR stressed the need for a strong causal link between environmental damage and the polluting factory. The Court's interpretation of the scope of the right to privacy was very limited and anthropocentric, and it did not allow for the emergence of a distinct environmental human right<sup>1</sup>.

In the *Fadeyeva v. Russia* case, the ECTHR reiterated that there is no specific right to protect nature as such within the rights and freedoms guaranteed by the Convention. Therefore, under Article 8, a ruling is issued only when environmental harm directly affects the complainant's home, family, or private life. Indeed, the right to privacy and other rights respected under the Convention have their own limitations in defending individual environmental rights, as the ECTHR revealed in the *Kyrtatos* case. Neither Article 8 nor any other article of the European Convention was specifically designed for general environmental protection; from this perspective, other international instruments and domestic laws have been more effective in addressing this specific aspect (Leib, 2011, 45-47). In the *Fadeyeva* case, the ECTHR found that the complainant's illness had worsened due to prolonged exposure to toxic substances from a nearby steel plant, and her right to a private life and home had been violated. Therefore, the ECTHR held the Russian Federation responsible for failing to take positive measures to regulate the emissions from the steel plant. It also stated that, despite the high margin of appreciation given to the responsible government, the government failed to strike a fair balance between societal interests and the complainant's effective enjoyment of her right to respect for her home and private

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1. UNEP Compendium on Human Rights and the Environment Selected international legal materials and cases, 2004: 60

life. Thus, a violation of Article 8 had occurred. However, in the *Hatton II* case, when the complainants could not prove a severe violation of their right to privacy, the Court granted national authorities a wide margin of appreciation. The Court also emphasized in that case that competent governments are better at assessing various interests and demands in conflicts related to Article 8.

A strong connection can be established between an adequate standard of living and the state of the natural environment, as a healthy environment is a prerequisite for human health and living conditions. According to Article 11 of the ICESCR, member states recognize the right of everyone to an adequate standard of living for themselves and their families, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. This article also includes "the right of everyone to be free from hunger." Accordingly, fulfilling the right to health cannot be limited to medical care and assistance but must also include protection from environmental hazards such as radioactive contamination, water pollution, and food contamination. The right to health is enshrined in many human rights conventions, including Article 12 of the ICESCR, Article 24 of the UN Convention on the Rights of the Child, Article 10 of the San Salvador Protocol, and Article 16 of the Banjul Charter. Article 12 of the ICESCR stipulates that member states recognize the right of everyone to the highest attainable standard of physical and mental health. One of the prerequisites for achieving this standard is the improvement of all aspects of environmental and industrial health. The CESCR, in its General Comment No. 14 on the right to the highest attainable standard of health, provides a broad interpretation of the right to health by stating that it is a comprehensive right that extends to underlying determinants of health, such as access to safe drinking water, adequate sanitation, sufficient food, healthy housing, safe working conditions, and a healthy environment. This comment clearly indicates that the enjoyment of the right to health is inextricably linked to environmental conditions.

Human rights directly address the environmental consequences on life, health, private life, and property. Environmental dimensions are rarely discussed in general academic fields of human rights, and there is almost no controversy about the

relationship between human rights and the environment. Therefore, related texts are mostly written by environmentalists or international lawyers. Judgments on environmental issues arising from the African, European, and American human rights control systems help reveal the effects of environmental degradation on human rights. Indeed, environmental degradation violates environmental rights, and in most cases, the violation of environmental rights is accompanied by the violation of one or more fundamental human rights. Thus, we observe that the consequences of violating environmental rights will also lead to the violation of other human rights.

However, the growing number of environmental cases in human rights courts and treaties indicates the importance of this issue in the mainstream of human rights. In summary, cases such as *Guerra*, *López Ostra*, *Öneryıldız*, *Taşkin*, *Fadeyeva*, *Budayeva*, and *Tatar*<sup>1</sup> demonstrate the extent to which the right to private life or the right to life can be used to compel governments to address environmental hazards, enforce environmental laws, or disclose environmental information.

In 2011, the United Nations Human Rights Council (UNHRC) enlisted an environmental expert to study and explore the issue, requesting proposals regarding human rights obligations related to the utilization of a safe, clean, healthy, and sustainable environment. (UNEP, UNHRC, 2012.) Utilizing a working group of experts, a draft statement was prepared during 2009-2010. UN institutions have recognized that civil, political, economic, and social rights also have implicit environmental dimensions that can help ensure some of the unavoidable impacts of a healthy environment. A possible explanation for the reluctance of UN human rights bodies to address human rights and the environment more directly is their long-term project on collective responsibility for human rights abuses, while the primary responsibility for promoting and protecting human rights lies with governments (UNHRC, 2011). However, it has long been

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1. *Lopez Ostra v. Spain*, 20 EHRR (1994) 277; *Guerra v. Italy*, 26 EHRR (1998) 357; *Fadeyeva v. Russia*, 41 EHRR (2007) 10; *Oneryildiz v. Turkey*, 41 EHRR (2005) 20; at *Öneryildiz v. Turkey*, 41 *Taskin v Turkey*, 42 EHRR (2006) 50, at paras 113-119; *Tatar v. Romania* [2009] ECtHR, at para. 88; *Budayeva v. Russia* [2008] ECtHR

recognized that business entities and transnational corporations have contributed to human rights violations in various ways or have colluded with other harmful actors, especially since developing countries may lack the capacity to control foreign companies extracting minerals, oil, or other natural resources in a manner that does not harm local populations or the environment.

Weak governance, weak regulations, poor enforcement, corruption, or, more simply, a very close relationship between business entities and the state contribute to this problem. Historical examples include the environmental impacts of Shell on natural resources, health, and living standards of the Ogoni people in Nigeria (SERAC v. Nigeria), or the spillage of toxic waste in Abidjan by a ship chartered by Trafigura (an oil trading company under the EU), which affected public health<sup>1</sup>.

When considering current human rights and environmental laws, what actions should we take within this framework regarding business entities and human rights? There is no doubt that governments are responsible for protecting human rights from environmental harm caused by commercial and industrial activities. It is incorrect to argue that the government does not own the factory or industry in question, as the European Court of Human Rights (ECTHR) stated in *Fadeyeva*, where the state's responsibility in environmental cases could arise from its failure to regulate private industries (EHRR 2007, paragraph 89). Therefore, the state has to take reasonable and appropriate measures to ensure rights under human rights conventions (EHRR 2007, paragraph 89).

In *Oneryildiz*, the European Court of Human Rights (ECTHR) emphasizes that positive obligations require the adoption of any appropriate and necessary measures to protect life for Article 2, imposing a duty on the state above all else. Accordingly, the state must implement a legal and enforceable framework designed to create effective deterrence against potential threats to the right to life. In this context, the Court has stated that these obligations include licensing, setting conditions, monitoring, and supervising dangerous activities,

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1. UNEP, Report of 1st meeting of the Expanded Bureau of the 8th meeting of the Conference of the Parties to the Basel Convention (2007)

requiring all other actors to take practical measures to ensure the effective protection of citizens whose lives may be threatened by related risks (EHRR, 2007: paragraph 90). This perspective on human rights law is not exclusive to Europe. The Ogoni Land case reminds us that foreign investment without proper regulation, which has little impact on the welfare of local populations but instead harms their health, livelihoods, property, and natural resources, can lead to the denial of human rights for which the host government is responsible under international law (SERAC v. Nigeria). As Shelton has noted, the outcome provides a framework for integrating environmental protection, economic development, and the guarantee of human rights (Shelton, 2016: 67). It also demonstrates how strengthening and empowering domestic non-governmental organizations can be key to successful actions (SERAC v. Nigeria).

These examples do not in any way undermine the UN framework's focus on obliging business entities to respect and consider human rights. Instead, they reinforce the point that the inability of governments to adhere to their own human rights obligations is the primary cause of problems, not a secondary factor. Even if we endorse and acknowledge the UN framework on business and human rights, it remains necessary to clarify the relationship between human rights obligations and environmental protection to determine which environmental responsibilities we expect companies to respect.

Thus, overall, the actions of the UNHRC and OHCHR on human rights and the environment have been somewhat underestimated. Human rights courts have had a much greater impact on this issue compared to domestic environmental negotiations or the efforts of UN human rights experts. It is not entirely clear why this should be the case, but it certainly raises the question of how much the UN can increase its influence on the development of human rights approaches to environmental protection.

The issues discussed above are only part of the interactions between certain human rights and environmental rights. In such cases, environmental rights do not conflict with human rights; rather, addressing one ensures the protection of the other.

## 2): The Existing Conflicts

In the clash between human rights and environmental rights,

two approaches or perspectives can be identified. The first is the supremacy of human rights over environmental rights, where in the event of a conflict between the two, human rights prevail over environmental rights. The second is the supremacy of environmental rights over one or more human rights. This conflict arises in situations where it is not possible to resolve the conflict using governing rules to establish interaction. In the first approach, it can be argued that just as constitutional law prevails over ordinary law, in cases where human rights or an inalienable human right is violated or denied, and the exercise of this right equates to a violation of environmental rights, such as the right to life, the ruling will necessarily favor the human right. This is because in cases where the human right to life is unjustly threatened, no other right can justify its violation. As mentioned, such cases may be rare, but in the event of such a conflict, human rights prevail.

For example, in the Whaling Convention, the parties to the convention have introduced an exception to its provisions that allows indigenous peoples to hunt using traditional methods without any commercial exploitation. The logic of this exception is to protect indigenous peoples, including their culture, but it is clear that serious harm to whale populations is not a result of indigenous hunting. Thus, in this case, we see that the rights of indigenous peoples prevail over environmental rights and are accepted as an exception. Obviously, this exception does not undermine the overall framework of environmental rights (Shelton, 2016: 150).

In the case of *Sesana and Others v. Attorney General*, which concerned the Central Kgalagadi Game Reserve (CKGR), the largest protected area in Africa, the government enacted regulations prohibiting access to the protected area, thereby displacing the San or Basarwa people. The High Court unanimously ruled that the indigenous peoples are entitled to the rights recognized under international law, and the government, despite having legitimate objectives regarding a protected area in Africa, violated the rights of the San people. The Court stated that the lawful inhabitants of the land should have access to groundwater, and the deprivation of water and the inability to drill in the CKGR constituted degrading treatment and a violation of

the constitution. Referring to General Comment No. 20 of the Committee on Economic, Social, and Cultural Rights on the right to water and Resolution on the 28th of July 2010 of the General Assembly, the Court affirmed the right to safe drinking water as a fundamental right essential for the full enjoyment of life and human rights (Shelton, 2016: 167-169).

Thus, in some cases, the public interest in environmental protection conflicts with certain human rights, and such cases, the ruling favors the supremacy of environmental rights over those human rights. However, as mentioned, the opposite is also true. For example, in the case of *Fagerskiohd v. Sweden*, the European Court of Human Rights addressed a dispute concerning the construction of wind turbines near the plaintiffs' property. The plaintiffs claimed that the construction of the turbines violated their rights under Article 8 (right to respect for private and family life) of the European Convention and Article 1 of Protocol No. 1 (right to property). The Court rejected this claim. In this ruling, we see that the European Court of Human Rights, in a conflict between environmental rights and the right to property as a human right, ruled in favor of environmental rights.

## Conclusion

The relationship between human rights and environmental protection has been established by legal science at both regional and global levels. Judicial practice confirms that the convergence of these two fields has been accepted internationally, much like Islamic law. This fact refutes the claim that environmental law is unnecessary under the assumption of a formal and explicit human rights framework applicable to the environment. By considering various documents on human rights and environmental law, as well as existing judicial practices, it can be argued that recognizing various environmental rights—collectively referred to as environmental law—establishes a close connection and direct or indirect influences between these rights and recognized human rights. In other words, addressing an environmental right can strengthen one or more human rights or the realization of various human rights can lead to a greater inclination toward environmental rights. As the God-centered perspective suggests, Islam has long held a unique view of nature, predating contemporary developments, considering the environment as owned by God, and recognizing humanity's right to benefit from natural resources as derived from divine permission.

The right to a healthy and sound environment within the framework of economic, social, and cultural rights is not inherently problematic. In fact, the existence of such a right can enhance the value of global public interests in environmental protection and the promotion of sustainable development. However, this cannot be achieved without impacting the framework of human rights laws. Therefore, we fully respect the standards that obligate states to balance environmental, economic, and social goals and policies in fulfilling their duties. This is achieved through current guidelines in the International Covenant on Economic, Social, and Cultural Rights (ICESCR), as well as international policies on sustainable development signed in Rio in 1992 and reflected in subsequent international conferences. Thus, a statement or protocol on human rights and the environment becomes meaningful when it integrates existing civil, political, economic, and social rights into a cohesive framework, while simultaneously envisioning the environment as a public good within economic and social rights. In other words, this promotes the global environment as a public interest and aspiration, for which states bear the responsibility of protection—even if they fulfill this responsibility progressively, to the extent permitted by available resources.

## References

- Holy Quran (with the English translation: Qara'i, Ali Quli. The Qur'an (With a Phrase-by-Phrase English Translation). 2nd ed. London: Islamic College for Advanced Studies (ICAS) Press, 2005.
1. Aarhus Convention, Decision 1/7: Review of Compliance, Report of 1st Meeting of Parties, UN Doc ECE/MP.PP/2/Add. 8, 2004.
  2. Āghāyī, Seyyed Davūd (2003). *Rāhbord-ha-e pāydār dar Sāzimān mellat-e Mottahid*. Huqūq va 'Ulūm Siyāsī Journal, University of Tehran, No. 59.
  3. Armstrong, Susan J. and Botzler, Richard G., eds. (2003). *Environmental Ethics: Divergence and Convergence*, 3rd ed. New York: McGraw-Hill.
  4. Boyle, Alan, (2012). *Human Rights and the Environment: Where Next?* The European Journal of International Law, Vol. 23, No. 3.
  5. Callicott, J. Baird (2002). The Pragmatic Power and Promise of Theoretical Environmental Ethics: Forging a New Discourse, *Environmental Values*, Vol. 11.
  6. David Leary and Pisupati Balakrishna (2015). *The Future of International Environmental Law*, 1st edition. Translated to Persian by Mehrdad Mohammadi. Tehran: Shahr-e Danesh.
  7. Espen, Gamlund (2007). Who Has Moral Status in the Environment? A Spinozistic Answer, *The Trumpeter*, Vol. 23, No. 1.
  8. Gatina, Gatin, Konyushkova (2006). Findings and Recommendations with Regard to Compliance by Kazakhstan, Compliance Committee, UNECE/MP.PP/C.1/2006/4/Add. 1, 2006.
  9. Habībī, Muḥammad Ḥasan (2003). Haqq barkhurdārī az Moḥīt Zīst sālīm beh 'unvān Haqq Bashariyyah, Huqūq va 'Ulūm Siyāsī Journal, University of Tehran, No. 60.
  10. Ḥillī, Ḥasan ibn Yūsuf [ʿAllāmah Ḥillī] (1993). *Tadḥkirat al-Fuqahā'*. Qom: Āl al-Bayt Institute.
  11. Ḥosseinī Nejad, Hālleh (2016). *Māhiyyāt Ta'ahudāt Huqūq Bashari dar niẓām bayna al-milal*, 1st edition. Tehran: Shahr-e Danesh.
  12. Ḥurr al-'Āmilī, Muḥammad ibn Ḥasan (1988). *Wasa'il al-Shia*. Qom: Āl al-Bayt Institute
  13. Ibn Sīnā, Abū 'Alī (1983). *Kitāb al-Shifā: Ilāhiyāt*. Annotator: Ibrahim Madhkūr. Qom: Ayatollah Mar'ashī Library.
  14. Ifitkhār Jahromī, Gudarz (2009). *Huqūq Bashari, Moḥīt Zīst va tose'e pāydār*. Legal Research, No. 50.
  15. Leib, Linda Hajjar (2011). *Human Rights and the Environment: Philosophical, Theoretical, and Legal Perspectives*, Martinus Nijhoff Publishers.
  16. Mashhadī, 'Alī and Keshāvarz, Ismā'il (2012). *Tā'ammulī bar mabānī falsafī Haqq bar Moḥīt Zīst sālīm*, Huqūq Islāmī Research Journal, No. 2.
  17. Mowlāyī, Yusuf (2007). Nasli sevvom *Huqūq Bashari va Haqq beh Moḥīt Zīst sālīm*, Faculty of Law and Political Science, University of Tehran, Vol. 37, No. 4.

18. Muḥaqqiq Dāmād, Seyed Moṣṭafā (2014). *Ilāhiyāt-e Moḥīṭ-e Zīst*, 1st edition. Tehran: Iranian Research Institute of Wisdom and Philosophy.
19. Murphy, W.H. (1993). *Anthropocentrism: A Modern View*, in *Environmental Ethics: Divergence and Convergence*, ed. Susan J. Armstrong and Richard G. Botzler. London: McGraw-Hill.
20. Northcott, Michael S. (1996). *The Environment and Christian Ethics*. Cambridge: University Press.
21. OHCHR 2011 Report, 16 Dec. (2011). Analytical Study on the Relationship Between Human Rights and the Environment, UN Doc. A/HRC/19/34.
22. Report of the United Nations Sustainable Development Summit (2012). Management of OPEC and the Representation of the Islamic Republic of Iran in Energy Forums.
23. Shelton, Dinah (2016). Conflict Between Human Rights and Environmental Protection: Is There a Hierarchy? Hierarchy in International Law: The Status of Human Rights, 1st edition. Translated by Seyed Hamed Safavi. Tehran, Shahr-e Danesh.
24. Sīmbar, Rezā (2006). *Huqūq Bashār dar chārchūb Moḥīṭ Zīst*, Itilā'āt Siyāsī Iqtisādī Journal, No. 201-202.
25. Tūsī, Muḥammad ibn al-Ḥasan (2008). *Al-Mabsūṭ*. Tehran: Mortazavi.
26. UN Conference on Environment and Development (1992). Agenda 21, Chapter 23, Para. 23.2.
27. UNEP Compendium on Human Rights and the Environment: Selected International Legal Materials and Cases, 2004, UNON Publishing Services Section, Nairobi - ISO 14001:2004.
28. Zillman, D. A. Lucas, and Pring, G. [eds] (2002). *Human Rights in Natural Resource Development*.