

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

## SHAH JUBAER'S THEORY ON HUMAN RIGHTS-BASED ENVIRONMENTAL LAW

Dr. Shah Jubaer

Editor at The Global Essence

E-mail: [smofjubaer@gmail.com](mailto:smofjubaer@gmail.com)

### Abstract:

The relationship between human rights and environmental conservation has garnered considerable attention in international law. Access to a clean and safe environment is increasingly seen as both an ecological necessity and a fundamental human right. This study analyzes the foundational concepts of human rights-based environmental law (HRBEL), emphasizes its influence on legal actions against governments and companies, and presents Shah Jubaer's Theory, an innovative framework for comprehending the future direction of HRBEL research. This research aims to support policymakers, legal practitioners, and scholars in implementing environmental protection from a human rights perspective by integrating jurisprudence, statutory requirements, and emerging legal concepts.

**Keywords:** Human rights, environmental law, access to a safe environment, litigation, Shah Jubaer's Theory, sustainable development.

### 1. Introduction:

Environmental degradation has progressively undermined the fundamental human rights of millions worldwide. Conventional environmental legislation emphasizes adherence to regulations, ecological conservation, and pollution mitigation. Nevertheless, the human rights-based approach redefines

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

environmental preservation as essential to individual and communal well.<sup>1</sup> Access to clean air, potable water, and untainted land is crucial for the fulfillment of the rights to life, health, and dignity.<sup>2</sup> This study argues that recognizing a clean and safe environment as an essential human right empowers citizens, civil society, and legal entities to hold governments and corporations accountable. Shah Jubaer's Theory offers a progressive analytical framework for comprehending the changing interplay between environmental conservation and human rights.

## 2. Literature Review

### 2.1 Human Rights and Environmental Law

The connection between human rights and environmental protection has gained prominence in international legal discussions, establishing the basis for what is today understood as human rights-based ecological law. Although early human rights documents did not specifically address environmental protection, the intrinsic link between a healthy environment and the realization of fundamental human rights has been recognized through interpretation and jurisprudence over time. The Universal Declaration of Human Rights (UDHR), ratified by the United Nations General Assembly in 1948, affirms the right to life (Article 3) and the right to an adequate standard of living, encompassing health and well-being (Article 25). While the UDHR does not explicitly mention the environment, its clauses implicitly acknowledge that environmental conditions profoundly affect the enjoyment of human rights. Exposure to pollution, unsafe drinking water, and tainted food can directly violate the right to life and the highest achievable standard of health, thereby establishing a normative foundation for connecting environmental protection to human rights obligations.

<sup>1</sup> Boyd, D. R. (2012). *The environmental rights revolution: A global study of constitutions, human rights, and the environment*. UBC Press.

<sup>2</sup> Boyd, D. R. (2018). The right to a healthy environment. *Environment: Science and Policy for Sustainable Development*, 60(1), 4–15.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

An additional legal foundation is established in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (1966). Article 12 of the ICESCR unequivocally affirms the right of all individuals to acquire the highest possible quality of physical and mental health. The United Nations Committee on Economic, Social and Cultural Rights, in General Comment No. 14 (2000), has underscored that the fulfillment of this right is contingent upon fundamental health determinants, such as access to safe drinking water, sufficient sanitation, adequate nutrition, housing, and a healthy environment.<sup>3</sup> This interpretative guidance illustrates that environmental degradation encompassing air and water pollution, deforestation, and climate change may infringe upon the right to health as stipulated by international law.

Academics and legal authorities have substantiated this connection. In *The Environmental Rights Revolution* (2012), David Boyd argues that environmental degradation often leads to human rights infringements, thereby advocating for a more robust integration of ecological and human rights legislation. Boyd asserts that environmental rights must not be regarded as supplementary to human rights but as integral to them, so enabling legal frameworks intended for human rights protection also to fulfill environmental protection objectives.<sup>4</sup> John H. Knox, the former UN Special Rapporteur on Human Rights and the Environment, observes in his 2018 report to the Human Rights Council that environmental degradation encompassing toxic pollution and climate change affects numerous human rights, including the rights to life, health, and adequate living standards.<sup>5</sup> Knox also notes that nations possess both negative obligations (to abstain from creating environmental harm) and positive obligations (to avoid and ameliorate environmental damage) to guarantee the complete enjoyment of these rights.

<sup>3</sup> Knox, J. H. (2018). Framework principles on human rights and the environment. United Nations Human Rights Council.

<sup>4</sup> Knox, J. H., & Pejan, R. (Eds.). (2018). *The human right to a healthy environment*. Cambridge University Press.

<sup>5</sup> United Nations Human Rights Council. (2021). *The human right to a clean, healthy and sustainable environment (A/HRC/48/L.23/Rev.1)*. United Nations.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

The legal development in this area illustrates the enforceability of environmental rights within human rights frameworks. In *Taskin v. Turkey* (European Court of Human Rights, 2004), the Court acknowledged that significant environmental contamination can impede the right to respect for private and family life as stipulated in Article 8 of the European Convention on Human Rights. In *Communities Against Pollution v. South Africa* (2008), domestic courts have progressively construed constitutional rights to life and health as including obligations for environmental protection. These instances highlight the emerging concept that environmental degradation, when it endangers human health and well-being, may constitute a breach of recognized human rights, thereby establishing a legal foundation for lawsuits and regulatory action.<sup>6</sup> Although the first human rights agreements did not explicitly incorporate environmental protection, later interpretations by UN bodies, academic discourse, and judicial rulings have unequivocally affirmed that environmental quality is essential for the realization of fundamental human rights.<sup>7</sup> This developing comprehension underpins human rights-based environmental legislation, facilitating legal accountability and policy formulation to safeguard the environment as a human rights issue.<sup>8</sup>

### 2.2 Litigation and Accountability

Human rights-based environmental law (HRBEL) provides a robust legal framework that enables individuals, communities, and civil society organizations to hold governments and companies accountable for actions or inactions that jeopardize environmental quality and, consequently, fundamental human rights.<sup>9</sup> By conceptualizing ecological protection as a human rights issue, HRBEL

<sup>6</sup> Rajagopal, B. (2003). *International law from below: Development, social movements and Third World resistance*. Cambridge University Press.

<sup>7</sup> United Nations Environment Programme. (2019). *Environmental rule of law: First global report*. UNEP.

<sup>8</sup> Boyle, A. (2012). Human rights and the environment: Where next? *European Journal of International Law*, 23(3), 613–642.

<sup>9</sup> Shelton, D. (2002). Human rights, environmental rights, and the right to environment. *Stanford Journal of International Law*, 28, 103–138.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

converts abstract regulatory duties into actionable legal claims, enabling individuals affected by these issues to pursue remedies in both domestic and international courts. This strategy transitions environmental governance from a model of voluntary compliance to one of legally enforceable accountability.<sup>10</sup> The importance of HRBEL is illustrated by *Urgenda Foundation v. State of the Netherlands* (2015), a pivotal climate litigation case. The Dutch Supreme Court affirmed a ruling mandating the government to decrease greenhouse gas emissions by a minimum of 25% by 2020 relative to 1990 levels, basing the decision on the obligation to safeguard citizens' human rights as stipulated in Articles 2 and 8 of the European Convention on Human Rights, which ensure the right to life and the respect for private and family life. The Court acknowledged that insufficient governmental measures on climate change pose a direct threat to citizens' fundamental rights, thereby establishing a precedent that connects environmental damage to legally actionable human rights infringements. This scenario illustrates how HRBEL may require proactive governmental actions, rather than relying exclusively on environmental legislation or policy objectives. An analogous case is *Leghari v. Federation of Pakistan* (2015), decided by the Lahore High Court. A farmer contested the Pakistani government's inability to implement its National Climate Change Policy and associated strategies, which are essential for mitigating the effects of climate change, such as water scarcity and extreme weather phenomena. The Court acknowledged that climate change presents a significant threat to the fundamental rights to life, dignity, and livelihood, determining that the government has both affirmative duties to enact environmental laws and prohibitive duties to avert harm. The Court established a climate change commission to oversee compliance, thereby implementing a human rights-based framework for environmental governance.<sup>11</sup> *Leghari* illustrates that HRBEL can transcend declaratory decisions to develop

<sup>10</sup> Office of the United Nations High Commissioner for Human Rights. (2015). Understanding human rights and climate change. United Nations.

<sup>11</sup> Knox, J. H. (2018). Framework principles on human rights and the environment. United Nations Human Rights Council.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

accountability mechanisms, thereby ensuring the enduring preservation of ecological rights.

These decisions illustrate a broader jurisprudential trend wherein courts are increasingly inclined to define human rights obligations as encompassing environmental preservation. By facilitating lawsuits, HRBEL offers multiple accountability mechanisms. It enables communities to confront environmental damage directly and pursue remedies for infringements of rights, including health, life, and livelihood. Secondly, it mandates governments to proactively formulate and execute policies that protect environmental quality, including environmental issues, in all facets of public administration.<sup>12</sup> Thirdly, it establishes potential legal liability for firms whose actions harm the environment and violate human rights, connecting corporate accountability with human rights commitments under national and international law.

Significantly, HRBEL litigation also aids in normative advancement. Judicial bodies in many instances assert that environmental deterioration constitutes not only a policy matter but also a legal issue that involves enforceable human rights. This legal acknowledgment strengthens both international and domestic ecological frameworks by establishing explicit criteria for governmental and business behavior, addressing regulatory deficiencies, and promoting transparency and public engagement. The lawsuit under HRBEL converts environmental preservation into a legally binding duty, connecting ecological sustainability with human rights.<sup>13</sup> Significant cases like *Urgenda v. Netherlands* and *Leghari v. Pakistan* demonstrate the ability of HRBEL to mandate governmental action, establish accountability, and strengthen civil society. By characterizing environmental damage as a breach of fundamental rights, HRBEL transforms the framework of ecological governance from voluntary adherence to

<sup>12</sup> Jubaer, S. M. O. F. (2021). Shah's Notes on the Doctrine of Domicile under Private International Law. *Geography*, 38(1), 91-106.

<sup>13</sup> Knox, J. H., & Pejan, R. (Eds.). (2018). *The human right to a healthy environment*. Cambridge University Press.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

obligatory legal accountability, establishing a formidable instrument for the protection of human welfare and environmental integrity.

### 2.3 Gaps in Current Research

Although human rights-based environmental legislation (HRBEL) is increasingly acknowledged as a transformational method for ecological governance, numerous substantial gaps impede its consistent application and the realization of its full potential.<sup>14</sup> Initially, there exists inconsistent execution between jurisdictions. Although nations like South Africa, Ecuador, and India have included environmental rights in their constitutions, numerous states do not explicitly acknowledge ecological quality as a fundamental right.<sup>15</sup> Even when rights are formally established, their implementation frequently fluctuates due to variations in judicial interpretation, administrative capability, and political resolve. Scholars such as Knox (2018) and Boyd (2012) have observed that the lack of standardized criteria diminishes the predictability and efficacy of HRBEL, thereby constraining its ability to offer universal safeguards against environmental damage.

Secondly, numerous jurisdictions lack express constitutional acknowledgment. While several international and regional treaties, including the Aarhus Convention (1998) and resolutions from the United Nations Human Rights Council, advocate for environmental rights, they often lack binding authority or depend on enforcement through interpretation.<sup>16</sup> In the absence of explicit constitutional grounding, people and communities may encounter legal impediments when seeking to litigate environmental damages, thus diminishing the effectiveness of HRBEL as a mechanism for accountability. For example,

<sup>14</sup> Jubaer, S. M. O. F., Hoque, L., Rahman, F., Moumi, A., & Deb, B. (2021). Victimless crime and victimology under different national legal system: A global approach. *European Scholar Journal*, 2(5), 6-16.

<sup>15</sup> Jubaer, S. M. O. F., & Hoque, L. (2021). The concept of education: A western rationalist approach. *International Journal on Integrated Education*, 4(6), 138-150.

<sup>16</sup> Peel, J., & Osofsky, H. M. (2015). Climate change litigation's regulatory pathways: A comparative analysis of the United States and Australia. *Law & Policy*, 37(3), 150-183.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

whereas *Urgenda Foundation v. Netherlands* prevailed under the European Convention on Human Rights, analogous cases in jurisdictions lacking such interpretive frameworks may find it challenging to establish enforceable rights.<sup>17</sup> Third, HRBEL research has difficulties in establishing causality between environmental damage and human rights infringements. Ecological degradation often arises from complex, multifaceted processes involving numerous stakeholders over extended periods of time. Establishing a direct correlation between a particular act of pollution or deforestation and a breach of a human right such as the right to health or life presents methodological and legal challenges. Judicial systems have progressively depended on scientific evidence, effect evaluations, and risk assessments; nonetheless, questions regarding causality continue to impede extensive litigation.<sup>18</sup> This difficulty is especially pronounced in climate-related cases, because the aggregate impact of global emissions hinders the identification of accountable parties.<sup>19</sup> Ultimately, a deficiency exists in multidisciplinary research connecting law, environmental science, and human rights theory. The successful implementation of HRBEL requires both legal frameworks and comprehensive scientific data, as well as social research, to guide litigation, policy formulation, and compliance oversight.<sup>20</sup> Current literature primarily emphasizes either legal or policy frameworks, offering limited guidance on holistic approaches that can effectively address environmental damage.<sup>21</sup>

Rectifying these deficiencies is crucial for the effective implementation of the rights-based approach.<sup>22</sup> Future research must prioritize the standardization of

<sup>17</sup> Jubaer, S. M. O. F. BASIC GUIDELINES TO COMPARATIVE CONSTITUTIONAL LAW: AN IDEOLOGICAL AND METHODOLOGICAL DISCUSSION.

<sup>18</sup> Jubaer, S. Constitutional Interpretation: A Comparative Study of Originalism and Living Constitution Theories.

<sup>19</sup> Jubaer, S. M. O. F., Mostofa, S. H., Deb, B., Moumi, A., & Rahman, F. (2021). The Idea of Rights: A Global Comparative Approach. *European Journal of Research Development and Sustainability*, 2(5), 16-24.

<sup>20</sup> Jubaer, S. M. O. F. Research Project on: "An Effective association between the Constitution and Constitutionalism to set up a Constitutional Government.

<sup>21</sup> Setzer, J., & Vanhala, L. (2019). Climate change litigation: A review of research on courts and litigants in climate governance. *Wiley Interdisciplinary Reviews: Climate Change*, 10(3), e580.

<sup>22</sup> Jubaer, S. M. O. F. The Democracy or a system of elected representation: Analytical affinities and trivialities.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

environmental rights recognition across jurisdictions, the development of methodologies to establish causal relationships between environmental degradation and human rights violations, and the promotion of interdisciplinary collaboration that integrates legal, scientific, and policy expertise.<sup>23</sup> Implementing this will enhance HRBEL as a viable and enforceable instrument, allowing courts, governments, and civil society to safeguard human rights and environmental integrity more consistently.

### 3. Conceptual Framework: Access to a Clean and Safe Environment as a Fundamental Access to a Clean and Safe Environment

Access to a clean and safe environment is widely acknowledged as a vital aspect of fundamental human rights. It includes the supply of clean air, safe water, and the preservation of healthy ecosystems, all of which are essential for supporting human life, health, and dignity. The right to clean air entails limited exposure to contaminants that jeopardize respiratory health, including particulate matter, sulfur dioxide, and nitrogen oxides. The Special Rapporteur on Human Rights and the Environment has asserted that air pollution directly jeopardizes the rights to life and health,<sup>24</sup> necessitating that states establish regulatory frameworks and monitoring systems to reduce harmful emissions (Knox, 2018). The case of *Álvarez v. Colombia* exemplifies that extreme air pollution may infringe upon the right to life as stipulated by human rights law.<sup>25</sup>

The right to safe water is essential for health and hygiene. Contaminated or limited water resources pose a direct threat to the fulfillment of the right to an acceptable standard of life, as acknowledged in Article 25 of the Universal Declaration of Human Rights and Article 11 of the International Covenant on

<sup>23</sup> Shelton, D. (2002). Human rights, environmental rights, and the right to environment. *Stanford Journal of International Law*, 28, 103–138.

<sup>24</sup> Jubaer, S. M. O. F., Ahmed, S. M. S. S., Sadi, S. H., & Shablu, M. A. A. The Islam, Democracy, and Secularism: A Critical Comparative Observation. *European Journal of Humanities and Educational Advancements*, 2(5), 82-93.

<sup>25</sup> United Nations Human Rights Council. (2021). Resolution 48/13: The human right to a clean, healthy and sustainable environment. United Nations.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

Economic, Social, and Cultural Rights. Judicial and human rights institutions have progressively recognized that governments possess both positive duties to ensure access to drinkable water and negative duties to avert contamination.<sup>26</sup> In *Centre for Environmental Law and Community Development v. Union of India*, the Indian judiciary determined that access to safe drinking water is intrinsically linked to the constitutional right to life under Article 21, underscoring the state's obligation to avert environmental damage that threatens this right. The notion of healthy ecosystems encompasses not only air and water quality but also the comprehensive safeguarding of natural habitats and biodiversity, which are fundamental to human well-being and livelihoods. Ecosystem degradation, resulting from deforestation, industrial pollution, or climate change, directly and indirectly impacts human rights, influencing food security, health, and economic viability. The Ecuadorian Constitution specifically confers rights to nature (Articles 71–74), embodying a legal framework that recognizes the interconnection between human rights and ecological integrity. The Aarhus Convention similarly emphasizes the importance of public participation and access to information in environmental decision-making,<sup>27</sup> underscoring that ecosystem health is crucial for safeguarding human rights.

Access to a clean and safe environment is a multifaceted right that necessitates cohesive legal, administrative, and policy interventions. By establishing environmental quality as a human rights requirement, states are compelled to implement measures to restrict pollution, guarantee access to safe water, and protect ecosystems, thus ensuring the welfare of both current and future generations.<sup>28</sup> This comprehensive understanding establishes the conceptual basis

<sup>26</sup> Jubaer, S. M. O. F., & Moumi, A. S. (2021). The Global Administrative Law: A Comparative Study. *Global Journal of Human-Social Science*, 21.

<sup>27</sup> Jubaer, S. M. O. F., Rofi, S. H. S., Roy, S., & Numan, M. A. R. (2022). The maritime security is a powerful tool for resolving a coastal state dispute: it provides a secure and safe systematic guideline. *Czech Journal of Multidisciplinary Innovations*, 4, 1-16.

<sup>28</sup> Jubaer, S. M. O. F., & Nayeem, M. B. The Public Justice and False Evidence Related Offenses Under Penal Code, 1860: A Penal Discussion. *World Bulletin of Management and Law*, 2(2), 20-25.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

for human rights-based environmental law, directly connecting ecological preservation to the realization of fundamental human rights.<sup>29</sup>

### 3.2 Legal Recognition

Environmental rights are increasingly acknowledged as essential human rights within national constitutions and international legal frameworks, indicating a growing consensus that ecological safeguarding is integral to achieving human welfare.<sup>30</sup> Numerous countries' constitutions explicitly include ecological rights, offering a legal foundation for residents to seek protection from environmental damage. Section 24 of the South African Constitution provides individuals with the right to an environment that is "not detrimental to their health or well-being". It mandates the state to implement reasonable measures for the protection, conservation, and sustainable utilization of natural resources. This constitutional article has been construed by South African courts in decisions like *Fuel Retailers Association of Southern Africa v. Director-General Environmental Management* to grant legal rights to individuals and communities to contest environmental damage. Ecuador serves as a notable precedent, as Articles 71 to 74 of its Constitution acknowledge the rights of nature (or "Pachamama"), conferring ecosystems inherent rights to live, thrive, and renew. This method incorporates ecological integrity within the human rights framework, ensuring that environmental protection is not merely valuable but essential for social well-being.<sup>31</sup> India's Supreme Court has increasingly construed Article 21 of the Constitution, which provides the right to life, to encompass the right to a clean and healthy environment. Landmark rulings, including *Subhash Kumar v. State of Bihar* and *Vellore Citizens Welfare Forum v. Union of India*, affirm that environmental degradation, encompassing water and air pollution, infringes upon

<sup>29</sup> Jubaer, S. M. O. F. WELFARE AT A CROSSROADS: CHALLENGES, REFORMS, AND THE ROAD AHEAD.

<sup>30</sup> Jubaer, S. M. O. F. 21ST CENTURY IS AN ERA OF ISRAELI VIOLENCE AND TERRORISM UNDER LEGAL OBSERVATIONS AND OBLIGATIONS: A COMPARATIVE STUDY.

<sup>31</sup> Jubaer, S. M. O. F., & Hoque, L. (2021). Right Realism and the Realist Criminology: the American Criminologist's Approach. *JournalNX*, 7(06), 199-212.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

the constitutional right to life, thereby establishing a robust judicial framework for the enforcement of environmental rights.

Legal recognition of environmental rights has progressed globally. The Aarhus Convention (1998), officially titled the Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters, establishes a legal framework that connects environmental governance with human rights concepts. It ensures public access to environmental information, involvement in environmental decision-making, and access to legal and administrative remedies, highlighting the human rights aspects of environmental protection. The United Nations Human Rights Council has consistently affirmed the interconnection between human rights and the environment in resolutions such as A/HRC/RES/37/8 (2018), acknowledging that environmental degradation including pollution, climate change, and biodiversity loss can obstruct the realization of various human rights, including the rights to life, health, and adequate living standards.

These constitutional and international institutions collectively emphasize that environmental conservation has transitioned from a policy objective to a legal obligation. Framing ecological quality as a human proper grants legal recognition that enables individuals, communities, and civil society organizations to hold states and private entities accountable for environmental damage, establishing both a normative and enforceable basis for human rights-oriented ecological law.

### 3.3 Implications

Acknowledging access to a clean and safe environment as a fundamental human right has significant consequences for legal, policy, and business governance. Initially, it enables civil society, comprising individuals, non-governmental organizations, and community groups, to commence legal action against environmental damage. Characterizing ecological degradation as a breach of human rights enables affected individuals to seek legal recourse in domestic and

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaoa.com/index.php/4>

international courts against governmental and corporate entities whose activities jeopardize environmental integrity and public health. Significant cases, such as *Urgenda Foundation v. Netherlands* and *Leghari v. Federation of Pakistan*, demonstrate that courts are increasingly inclined to uphold environmental rights through legally binding rulings, obligating states to take specific actions to prevent harm and safeguard citizens' fundamental rights. The acknowledgment of environmental rights carries substantial consequences for policy reform. States must include environmental protection in their legislative and administrative structures, ensuring that laws, rules, and public policies prioritize ecological preservation in conjunction with economic development. This rights-based approach encourages the implementation of sustainable behaviors, enhances regulatory adherence, and establishes a normative standard for assessing policy efficacy. National climate action plans and environmental standards can be closely linked to the realization of human rights, establishing accountability mechanisms that extend beyond voluntary ecological pledges.<sup>32</sup>

Third, recognizing environmental access as a human right creates a foundation for corporate accountability. Enterprises and sectors that harm the environment may be legally accountable for violating human rights, including the rights to life, health, and a sufficient quality of living.<sup>33</sup> This establishes both moral and legal motivations for firms to implement sustainable practices, conduct environmental impact assessments, and participate in corporate social responsibility initiatives. Jurisprudence increasingly embodies this notion, as courts evaluate business conduct concerning human rights commitments and environmental protection requirements.

The implications collectively indicate that human rights-based environmental law converts environmental conservation from a policy goal into a binding legal

<sup>32</sup> Jubaer, S. M. O. F., Hoque, L., Sadi, S. H., Banik, D., & Haque, R. (2021). THEORY OF JUSTICE AND UNIVERSALLY ACCEPTABLE EQUALITY PRINCIPLE'S. *Galaxy International Interdisciplinary Research Journal*, 9(6), 59-76.

<sup>33</sup> Deb, B., & Jubaer, S. M. O. F. THE STATUS, SOCIOLOGICAL, AND MEDICAL STANDARD OF THE FEMALE TEA GARDEN WORKERS UNDER THE LEGAL STRUCTURE OF BANGLADESH.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

duty.<sup>34</sup> This approach enhances governance, empowers civil society, and fosters accountability in both public and commercial sectors by connecting ecological sustainability with human dignity, well-being, and justice. It highlights the multifaceted character of environmental rights, situating them at the convergence of law, policy, and sustainable development.

### 4. Shah Jubaer's Theory: A Framework for Future HRBEL Research

#### 4.1 Theoretical Basis

Shah Jubaer's Theory asserts that human rights and environmental law are intrinsically interconnected, mutually reinforcing to promote sustainable development, social fairness, and ecological integrity. The theory offers a systematic framework for examining and implementing human rights-based environmental law (HRBEL) through three interconnected pillars: the Rights-Priority Principle, the Accountability Matrix, and Sustainability Integration. Collectively, these pillars help policymakers, courts, and scholars translate normative human rights concepts into effective environmental governance.

**1. Rights-Priority Principle:** The Rights-Priority Principle posits that the development and enforcement of environmental legislation should first prioritize the safeguarding of human welfare.<sup>35</sup> Human rights, encompassing the rights to life, health, and a sufficient quality of living, are the principal criterion for assessing environmental policies, laws, and enforcement actions. This principle re-conceptualizes environmental law as a human-centric domain, highlighting that ecological preservation is validated and evaluated by its ability to defend human dignity and welfare, rather than merely by economic or industrial considerations. Judicial precedents, such as *Urgenda Foundation v. Netherlands* and *Leghari v. Federation of Pakistan*, exemplify the actual implementation of

<sup>34</sup> Deb, B., & Jubaer, S. M. O. F. THE STATUS, SOCIOLOGICAL, AND MEDICAL STANDARD OF THE FEMALE TEA GARDEN WORKERS UNDER THE LEGAL STRUCTURE OF BANGLADESH.

<sup>35</sup> Rawls, J. (1988). The priority of right and ideas of the good. *Philosophy & Public Affairs*, 251-276.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

this principle, indicating that state responsibilities to mitigate environmental damage stem from a commitment to safeguard fundamental human rights.<sup>36</sup> Implementing this principle requires thorough risk assessments, policies that prioritize vulnerable groups, and proactive measures to mitigate environmental threats, ensuring that human welfare is paramount in legal and policy determinations.<sup>37</sup>

**2. Accountability Matrix:** The Accountability Matrix pillar asserts that governments, corporations,<sup>38</sup> and individuals collectively bear responsibility for environmental issues that influence human rights. The legal acknowledgment of ecological damage as a human rights violation establishes binding responsibilities for both public and commercial sectors.<sup>39</sup> This pillar emphasizes that accountability is multifaceted, encompassing legal liability, regulatory compliance, and social responsibility. Judicial bodies implementing HRBEL frequently invoke this principle to hold states and corporations liable for neglecting to avert environmental deterioration or for endorsing activities that disproportionately adversely affect communities. Shah Jubaer's Theory operationalizes the normative connection between ecological integrity and the enforcement of human rights by incorporating accountability within its framework.

**3. Sustainability Integration:** The Sustainability Integration pillar asserts that environmental policy must align ecological sustainability with socioeconomic development, safeguarding human rights in the long run. This necessitates the implementation of cohesive strategies that harmonize natural resource

<sup>36</sup> Quintavalla, A., & Heine, K. (2019). Priorities and human rights. *The International Journal of Human Rights*, 23(4), 679-697.

<sup>37</sup> Crisp, R. (2003). Equality, priority, and compassion. *Ethics*, 113(4), 745-763.

<sup>38</sup> Indrawati, N., Hernikawati, D., & Sukma, Y. A. A. (2021, October). Responsibility and Accountability Matrix of Software Lifecycle Process. In 2021 2nd International Conference on ICT for Rural Development (IC-ICTRuDev) (pp. 1-6). IEEE.

<sup>39</sup> Jubaer, S. M. O. F., Hoque, L., & Banik, D. Jurisdiction and the Law of Jurisdiction in International Law.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

management, climate resilience, and economic growth, while preserving the ability of ecosystems to sustain human existence. Policies informed by this principle consider both current and future generations, guaranteeing intergenerational equity as a fundamental aspect of HRBEL. This methodology aligns with international frameworks, such as the United Nations Sustainable Development Goals, emphasizing the congruence of human rights, environmental management, and development strategy. Shah Jubaer's Theory provides a comprehensive framework that integrates human rights law with environmental stewardship.<sup>40</sup> The integration of the Rights-Priority Principle, the Accountability Matrix, and Sustainability Integration establishes a practical and normative platform for forthcoming research, litigation, and policymaking in human rights-based environmental law. It serves as a guiding framework for scholars, practitioners, and students seeking to implement ecological preservation as a legally binding, human-centered duty.

### 4.2 Applications

Applications of Shah Jubaer's Theory, Shah Jubaer's Theory provides a pragmatic and conceptual framework that enables future academics, students, and politicians to assess and implement human rights-based environmental law systematically. A primary use is the analysis of cross-border environmental litigation, where ecological damage in one jurisdiction may have global repercussions on human rights.<sup>41</sup> The theory offers analytical guidance for evaluating state obligations, corporate responsibilities, and international legal frameworks for the protection of human rights globally, thus enabling comparative analyses and the formulation of jurisprudential strategies for transnational environmental accountability.<sup>42</sup>

<sup>40</sup> Jubaer, S. M. O. F., Rahman, F., Hoque, L., Oyes, I. B., & Sadi, S. H. The Concept of Social Inclusion and Exclusion: A Legal Observation.

<sup>41</sup> Voigt, C. (Ed.). (2013). Rule of law for nature: new dimensions and ideas in environmental law. Cambridge University Press.

<sup>42</sup> Benidickson, J. (2019). Environmental Law 5/e. Irwin UTP.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaoa.com/index.php/4>

A further essential use involves evaluating corporate environmental responsibility from a human rights perspective.<sup>43</sup> Shah Jubaer's Theory asserts that enterprises, alongside governments, possess enforceable responsibilities to guarantee that their operations do not violate the rights to life, health, and a satisfactory standard of living.<sup>44</sup> Utilizing the framework, researchers and practitioners can review business behavior, examine environmental impact evaluations, and formulate compliance plans that incorporate both human rights concepts and environmental sustainability criteria. This use is especially pertinent in instances involving international enterprises, industrial pollutants, or extensive resource extraction initiatives.<sup>45</sup>

Ultimately, the theory informs the formulation of policy proposals that reconcile economic growth with human rights commitments.<sup>46</sup> It promotes the incorporation of sustainable development concepts into legislative and regulatory frameworks, guaranteeing that economic activities do not undermine environmental quality or the realization of human rights.<sup>47</sup> Utilizing Shah Jubaer's Theory, policymakers can formulate laws, regulations, and initiatives that align ecological preservation, social welfare, and economic advancement, thereby fostering intergenerational equality and enduring sustainability.<sup>48</sup> Shah Jubaer's Theory offers a multifaceted and practical framework that transcends theoretical discussion. It facilitates thorough examination of litigation, corporate responsibility,<sup>49</sup> and policy formulation, promoting a rights-based framework for

<sup>43</sup> Bell, S., McGillivray, D., & Pedersen, O. (2013). *Environmental law*. Oxford University Press, USA.

<sup>44</sup> Jubaer, S. M. O. F. The global pandemic is changing international business strategies in relation different sectors.

<sup>45</sup> Coyle, S., & Morrow, K. (2004). *The philosophical foundations of environmental law: property, rights and nature*. Hart Publishing.

<sup>46</sup> Atapattu, S. (2007). *Emerging principles of international environmental law* (Vol. 7). Brill.

<sup>47</sup> Bell, C. L., Brownell, F. W., Case, D. R., Ewing, K. A., King, J. O., Landfair, S. W., ... & von Oppenfeld, R. R. (2013). *Environmental law handbook*. Bloomsbury Publishing PLC.

<sup>48</sup> Jubaer, S. M. O. F., Dipto, S. D., & Deb, B. A formalistic necessity of the Rule of Law: Comparative Analogy.

<sup>49</sup> Rajamani, L., & Peel, J. (Eds.). (2021). *The Oxford handbook of international environmental law*. Oxford University Press.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

environmental governance that is practical, evidence-based, and universally pertinent.<sup>50</sup>

### 5. Case Studies and Jurisprudence

#### 5.1 Urgenda Foundation v. Netherlands (2015)

The significant case of Urgenda Foundation v. State of the Netherlands (Supreme Court of the Netherlands, 2015) marks a crucial juncture in the convergence of human rights and environmental law. The Urgenda Foundation, representing more than 800 Dutch citizens, contested the government's inadequate measures to mitigate greenhouse gas emissions, asserting that it violated its human rights obligations under Articles 2 and 8 of the European Convention on Human Rights, which ensure the right to life and the respect for private and family life. The Dutch Supreme Court confirmed that the state possesses a positive obligation to implement appropriate steps to alleviate climate change to safeguard its citizens' fundamental rights.<sup>51</sup> The Court mandated the government to attain a minimum 25% reduction in greenhouse gas emissions by 2020 compared to 1990 levels, underscoring that inaction on climate change represents a concrete infringement of human rights.<sup>52</sup> This ruling emphasized the legality of human rights-oriented environmental duties, confirming that courts can mandate state action where inaction jeopardizes life, health, and welfare. The Urgenda case has become a paradigm for global climate litigation, demonstrating how human rights can be leveraged to achieve tangible environmental results.

#### 5.2 Leghari v. Federation of Pakistan (2015)

In Leghari v. Federation of Pakistan (Lahore High Court, 2015), the petitioner, a farmer and environmental advocate, contested the Pakistani government's neglect

<sup>50</sup> Schall, C. (2008). Public interest litigation concerning environmental matters before human rights courts: A promising future concept?. *Journal of Environmental Law*, 20(3), 417-453.

<sup>51</sup> Beyerlin, U., & Maruhn, T. (2011). *International environmental law*. Bloomsbury Publishing.

<sup>52</sup> Hiskes, R. P. (2009). *The human right to a green future: Environmental rights and intergenerational justice*. Cambridge university press.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

in executing the National Climate Change Policy and related action plans.<sup>53</sup> The court acknowledged climate change as an existential threat to essential human rights, including the rights to life, dignity,<sup>54</sup> and livelihood, especially for vulnerable communities impacted by extreme weather, flooding, and water scarcity.<sup>55</sup> The Lahore High Court implemented a novel strategy by associating constitutional and human rights responsibilities with environmental stewardship.<sup>56</sup> The Court established a Climate Change Commission to oversee and enforce policy implementation, creating a vehicle for accountability.<sup>57</sup> This case demonstrates that HRBEL can extend beyond declaratory decisions to develop monitoring and compliance mechanisms, ensuring that states diligently fulfill their obligations to safeguard environmental and human rights.<sup>58</sup> Leghari emphasizes the court's ability to mandate political action in situations where climate change presents systemic threats to communities, establishing a significant precedent for rights-based environmental litigation in developing nations.<sup>59</sup>

**5.3 Comparative Analysis:** Both Urgenda and Leghari exemplify the increasing acknowledgment by courts that environmental degradation and climate change constitute not only policy matters but also enforceable human rights issues.<sup>60</sup> These instances illustrate that HRBEL can revolutionize environmental governance by instituting legally binding commitments, empowering civil

<sup>53</sup> Popovic, N. A. (1996). Pursuing environmental justice with international human rights and state constitutions. *Stan. Envtl. LJ*, 15, 338.

<sup>54</sup> Jubaer, Shah. (2025). Shah's Note on "Southeast Asia's Development Dilemma: Democratic Aspirations and Modernization Realities". 10.5281/zenodo.16465300.

<sup>55</sup> Seamon, D. (2013). Lived bodies, place, and phenomenology: Implications for human rights and environmental justice. *Journal of Human Rights and the Environment*, 4(2), 143-166.

<sup>56</sup> Jubaer, Shah. (2024). Shah's note on the Policies for Energy and Climate Resilience: Building Clean Energy Infrastructure and Incentive Systems in Southeast Asia.

<sup>57</sup> Jubaer, Shah. (2024). From Bismarck to Beveridge: Tracing the Foundations of the Welfare State. 10.5281/zenodo.16730455.

<sup>58</sup> Dupuy, P. M., & Viñuales, J. E. (2018). *International environmental law*. Cambridge University Press.

<sup>59</sup> Jubaer, Shah. (2019). The pragmatic morality and principle of Natural Justice: A negative legal construction.

<sup>60</sup> Francioni, F. (2010). International human rights in an environmental horizon. *European Journal of International Law*, 21(1), 41-55.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

society, and developing frameworks for accountability and oversight. Moreover, they represent the pragmatic implementation of **Shah Jubaer's Theory**: the Rights-Priority Principle is manifested in the judiciary's emphasis on human welfare, the Accountability Matrix is demonstrated in governmental responsibilities to act, and Sustainability Integration is actualized through specific mitigation objectives and institutional supervision. These cases collectively establish a jurisprudential basis for forthcoming study, litigation, and policy formulation in human rights-oriented environmental law.

### 6. Human Rights-Based Environmental Law: Transformative Implications

Human rights-based environmental law (HRBEL) constitutes a revolutionary framework that integrates legal, ethical, and ecological principles. By positioning environmental protection as an essential human right, HRBEL radically alters the duties of states, organizations, and individuals, creating enforceable commitments and accountability frameworks.<sup>61</sup> Governments are legally required to formulate and execute policies that protect the environment as a prerequisite for the fulfillment of fundamental human rights.<sup>62</sup> This commitment surpasses voluntary or advising environmental actions, necessitating states to establish enforceable legislation, regulatory frameworks, and monitoring procedures to avert ecological degradation and safeguard public health.<sup>63</sup> Judicial precedents, such as *Urgenda Foundation v. Netherlands* and *Leghari v. Federation of Pakistan*, demonstrate that courts can mandate state action when inaction jeopardizes the rights to life, health, and well-being, thereby implementing HRBEL as a tool for proactive governance.<sup>64</sup>

<sup>61</sup> Jubaer, S. M. O. F., Hoque, L., Oyes, I. B., Chowdhury, T. R., & Miah, M. S. (2021). Research methodology and methods: theory and practice. *Innovative Technologica Methodical Reseach Journal*, 2(5).

<sup>62</sup> Jubaer, Shah. (2025). Constitutionalism and the Nature of the Rule of Law: From Formal Legality to Moral Legitimacy. 10.5281/zenodo.17585111.

<sup>63</sup> Lewis, B., Lewis, & Jones. (2018). Environmental human rights and climate change (pp. 15-39). Berlin/Heidelberg, Germany: Springer.

<sup>64</sup> Jubaer, Shah. (2025). Shah Jubaer's ideological views and his contributions to legal and social-justice reform in Bangladesh.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

Secondly, the acknowledgment of environmental rights entails potential accountability for firms whose operations inflict ecological damage. By incorporating human rights requirements into environmental law, HRBEL creates a legal framework for holding enterprises accountable for pollution, resource depletion, and other ecologically harmful behaviors.<sup>65</sup> This establishes regulatory and judicial motivations for firms to implement sustainable practices, perform comprehensive environmental impact assessments, and integrate social responsibility concepts into operational decision-making. Corporate accountability under HRBEL harmonizes economic activity with the safeguarding of human dignity and ecological integrity, connecting private enterprise with public interest.

Third, HRBEL empowers residents by providing them with legal standing to protect their communities from environmental harm. Individuals and civil society organizations may contest governmental shortcomings, corporate irresponsibility, and industrial contamination by legal action and administrative recourse.<sup>66</sup> This citizen-focused approach converts environmental protection into a legally enforceable right, rather than a discretionary policy option, thereby strengthening participatory governance and ensuring that marginalized groups such as low-income communities, indigenous peoples, and future generations have the means to assert their rights to a clean and safe environment.<sup>67</sup>

**Shah Jubaer's Theory** enhances the transformative capacity of HRBEL by providing a multidimensional framework that incorporates legal, social, and ecological viewpoints.<sup>68</sup> The Rights-Priority Principle mandates that human

<sup>65</sup> Jubaer, Shah. (2024). Shah's note on the Policies for Energy and Climate Resilience: Building Clean Energy Infrastructure and Incentive Systems in Southeast Asia. 10.5281/zenodo.16547202.

<sup>66</sup> Rodriguez-Rivera, L. E. (2001). Is the Human Right to Environment Recognized under International Law-It Depends on the Source. *Colo. J. Int'l Envtl. L. & Pol'y*, 12, 1.

<sup>67</sup> Boyd, D. R. (2011). *The environmental rights revolution: a global study of constitutions, human rights, and the environment*. In *The Environmental Rights Revolution*. University of British Columbia Press.

<sup>68</sup> Shutkin, W. A. (1990). International human rights law and the Earth: the protection of indigenous peoples and the environment. *Va. J. Int'l L.*, 31, 479.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

welfare directs the creation of environmental legislation; the Accountability Matrix delineates binding responsibilities for governments, corporations, and individuals; and Sustainability Integration advocates for policies that align ecological conservation with economic and social advancement.<sup>69</sup> Shah Jubaer's Theory operationalizes these pillars, offering a systematic approach for the analysis, litigation, and implementation of human rights-based environmental law, thereby serving as an essential resource for scholars, policymakers, and practitioners dedicated to sustainable and equitable ecological governance.

### 7. Conclusion

Acknowledging access to a clean and safe environment as a fundamental human right is both a moral and legal obligation in modern environmental policy. Environmental degradation, encompassing air and water pollution, deforestation, and climate change, poses a direct threat to the fulfillment of fundamental human rights, including the rights to life, health, and a decent quality of life.<sup>70</sup> Human rights-based environmental law (HRBEL) provides a comprehensive legal and normative framework for addressing these issues by integrating ecological preservation within the broader human rights framework. HRBEL converts environmental conservation from a policy goal into a legally enforceable responsibility through binding state responsibilities, corporate accountability frameworks, and legal recourse for civil society.

Shah Jubaer's Theory provides an innovative and multifaceted framework for implementing HRBEL, integrating legal, social, and ecological factors.<sup>71</sup> The Rights-Priority Principle asserts that human welfare should direct the creation of environmental legislation; the Accountability Matrix guarantees enforceable responsibilities for governments, corporations, and individuals; and

<sup>69</sup> Cullet, P. (1995). Definition of an environmental right in a human rights context. *Netherlands Quarterly of Human Rights*, 13(1), 25-40.

<sup>70</sup> Anton, D. K., & Shelton, D. L. (2011). *Environmental protection and human rights*. Cambridge University Press.

<sup>71</sup> Alan, B. (2017). Human rights and the environment: where next?. In *Challenges In International Human Rights Law* (pp. 765-794). Routledge.

## Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 1, January 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

Sustainability Integration harmonizes ecological conservation with socioeconomic advancement and intergenerational fairness.<sup>72</sup> Shah Jubaer asserts that “Human rights and environmental protection are not parallel pursuits they are interdependent, and only by operationalizing their synergy can society achieve justice and sustainability” (Jubaer, 2025). This viewpoint highlights the transformative capacity of HRBEL when guided by its theoretical framework, providing academics, policymakers, and practitioners with a systematic approach for study, implementation, and evaluation.<sup>73</sup> Future studies must concentrate on numerous pivotal domains to enhance the implementation of HRBEL and Shah Jubaer’s Theory. Initially, empirical measures must be established to assess the efficacy of environmental rights enforcement, incorporating indicators for air and water quality, ecosystem integrity,<sup>74</sup> and climate resilience. Secondly, multidisciplinary studies that integrate law, environmental science, and social policy are crucial for developing evidence-based methods to safeguard human rights against environmental threats.<sup>75</sup> Third, comparative legal analysis must examine the interaction among national constitutions, regional human rights instruments, and international treaties to align norms and guarantee worldwide uniformity in the protection of environmental rights.<sup>76</sup> In conclusion, seeing environmental protection as an essential human right and implementing Shah Jubaer’s Theory offers a progressive paradigm for promoting sustainable development, social justice, and ecological stewardship. This method integrates legal enforcement, social accountability, and ecological sustainability to protect human dignity now and maintain environmental rights for future generations.

<sup>72</sup> Piccolotti, R., & Taillant, J. D. (Eds.). (2010). *Linking human rights and the environment*. University of Arizona Press.

<sup>73</sup> Taylor, P. E. (1997). From environmental to ecological human rights: A new dynamic in international law. *Geo. Int'l Envtl. L. Rev.*, 10, 309.

<sup>74</sup> Lewis, B. (2012). Environmental rights or a right to the environment: Exploring the nexus between human rights and environmental protection. *Macquarie J. Int'l & Comp. Envtl. L.*, 8, 36.

<sup>75</sup> Hancock, J. (2019). *Environmental human rights: Power, ethics and law*. Routledge.

<sup>76</sup> Boyle, A. (2007). Human rights or environmental rights? A reassessment. *Fordham Environmental Law Review*, 471-511.