

The third generation of human rights - the right to a healthy environment

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Abstract:

Human rights issues are among the most important topics of concern to domestic and international public opinion. The international community has sought since the Universal Declaration of Human Rights to respect and implement the protection of these rights, which have been expanding since the seventies of the last century, in particular the emergence of new concepts such as the concept of environmental protection and sustainable development, presenting itself with a new range of human rights known as the third generation of human rights, including the right to development, the right to common inheritance, and its right to a healthy and safe environment.

However, these new rights, in particular the human right to a healthy and safe environment, had become the subject of much controversy as to its nature and legal value. Are they merely general principles, moral principles taken the obligation by nations with a will to choose, or are they fundamental human rights recognised at the national and international level, which require them to be respected, applied, protected and promoted, nationally and internationally. All this requires research and analysis of the different aspects of this subject in order to understand the nature, value and effects of the recognition of the human right to the environment as a third generation human right.

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Jel Classification Codes: XN1, XN2.

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1. INTRODUCTION

The United Nations, since its inception, has paid particular attention to the respect, promotion and protection of fundamental human rights, the preservation of the dignity of the individual and the enhancement of his or her status, as part of its efforts and objectives, embodied in its endorsement and adoption of the Universal Declaration of Human Rights and the two related International Covenants, followed by the holding of international and regional conferences and conventions in the different domains of human rights. These rights have developed since the 1970s to go beyond the traditional human rights perspective, including the right to economic and social development, the right to share in the benefits of the common heritage of mankind and the right to a healthy environment, in what was later known as the third generation of human rights.

However, this new set of human rights, in particular the right to a healthy environment, has been the subject of a broad jurisprudential debate at the international and national levels. There are those who consider that the need to protect the environment is a necessity in itself and independent of human rights, and there are those who have gone so far as to consider that the claim to a person's right to a healthy environment is not beyond being an ethical issue that States take into consideration of their own free will, and there are those who have recognised that the human right to a healthy environment is one of the fundamental human rights that must be respected, protected and implemented. This makes them important in what was an attempt to research the nature and value of this right, its elements and components, and the need to adopt, respect and preserve it, based on the following problematic:

"What are the value, foundations and implications of recognising the human right to a healthy environment as a third generation human right? »

In order to respond to this problem, we decided to study this subject using a descriptive analytical method, collecting as much data as possible and analysing it, and describing some of the situations related to the subject, in order to surround the different aspects of the research topic.

The body of the research topic has also been methodologically divided into two main themes as follows:

The first theme: through which an attempt was made to research various theoretical aspects related to the human right to a healthy environment, as well as the existing jurisprudential debate on its value and legal nature, and the reference to the need to protect it from the various dangers surrounding it.

The second theme: through which an attempt was made to seek the appropriate protection of the elements and components of the right to a healthy environment, whether they are related to human health, such as food and water, or to the natural environment, such as the preservation of its elements against various types of environmental pollution.

The first topic: The components of the human right to a healthy environment:

The human right to a healthy environment is considered among the most recent rights recognised by international and national public opinion. It was only after the Stockholm conference on the human environment that it was debated¹, where it gave rise to a major case law debate on the nature and value of this right. Is it a recognised fundamental right that

requires the protection of its elements and constituents? Or is it simply an ethical principle that States voluntarily adopt their internal legislation and legal texts? Through this, we will try to approach the different theoretical concepts related to the human right to a healthy environment through the first requirement, then we will try to clarify the nature of the human right to a healthy environment and the need to protect it through the second requirement according to the following one:

The first requirement: Theoretical concepts on the human right to a healthy environment:

Through this requirement, we will try to define the right to a healthy environment and all associated concepts in the first branch and then determine the elements and components of this right in a second branch according to the following:

The first branch: Defining the human right to a healthy environment:

Before defining the human right to a healthy environment, the definitions of the various elements associated with this right should be given as follows:

a- Definition of the environment: the definitions given to the environment differed according to the perception of each specialization of this one. Some have defined it as «the environment or environment in which living things, including humans, animals and plants live, composed of several elements such as water, soil and air"². It has also been defined as "the set of natural and social systems in which man and other living beings live and from which they derive their supply. This concept includes the natural and industrial resources that make it possible to meet human needs"³. And it is defined as "the set of natural, chemical, biological and social factors which have a direct or indirect effect, immediately or subsequently, on living things and human activities. "³ It is defined as" that space in which people practice the various activities of their lives, and it includes within this framework all living organisms, including animals, plants and various living beings, with which humans coexists "⁴.

b- Definition of an ecosystem: it is "an integrated environmental unit made up of living and non-living beings in a specific place, interacting with each other in a precise system and in a permanent and continuous movement "⁵, or it is "a natural unit that forms a complex network of living beings, and among the other components of the environment in which these organisms exist, and the mutual interactions that occur through which matter and energy move in this environment, and the ecosystem may be small or large, open or closed»⁶.

C- Definition of human rights: these are "fundamental human rights related to life, health and dignity, recognized in international and regional treaties and texts, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the protocols thereto. And other international, regional and national texts and covenants.

d- Definition of the human right to a healthy environment: "It is the human right to live in an environment that sustains life and ensures the preservation of physical, mental and social health and the health of all living beings, which is primarily related to the prevention of

disease and epidemics, clean and abundant food, clean water and the preservation of all elements of the environment, while combating all aspects of environmental pollution»⁷.

The second section: Elements and components of the human right to a healthy environment:

We will try to address the different elements and components as follows:

a- **Elements of the human right to a healthy environment:** The human right to a healthy environment consists of two fundamental elements:

1- Preserving human health: The World Health Organization has defined human health as "a state of complete physical, mental and social security and competence, and not simply the absence of disease or infirmity and disability"⁸.

2-Preserving the environment: in its two parts, the natural environment and the human environment, the natural environment is "everything that surrounds man with living and non-living phenomena, whose existence is beyond man's control. Includes all environmental systems and phenomena such as topography, climate, plants, soil, organisms and ecosystems, which interact with each other and with humans"⁹. As for the human environment, it is "everything that man has accomplished and added to the environment in which he lives, from buildings, cities, neighbourhoods, roads and other aspects of construction, to the ways in which he lives and interacts"¹⁰.

B - Elements of the human right to a healthy environment: These elements are as follows:

1- The human right to physical and mental health, which is linked to the prevention of diseases and epidemics.

2- The human right to a healthy and sustainable environment includes most of the land, sea and air environment.

3- The human right to adequate and healthy food and to viable and adequate freshwater resources.

The second requirement: The nature of the human right to a healthy environment: We will try to address, through this requirement, the different aspects related to the recognition of the human right to a healthy environment in the first branch, and then the recognition of the human right to a healthy environment as a human right for the third generation in the second branch, as follows:

The first section: the recognition of the human right to a healthy environment: This section addresses the following points:

Firstly: The jurisprudential debate on the nature of the human right to a healthy environment: the jurists diverge on the necessity for human beings to live in a healthy and sanitary environment as a human right recognised in international texts and conventions, where opinions diverge on three fundamental trends:

The first trend: Denying the existence of the human right to a sanitary and healthy environment, since this right is not defined in its content and characteristics, either from the point of view of its owner or its place, it is therefore linked to the preservation of human health and life, or lies in the preservation of the environment from the risks of pollution¹¹.

Second trend: He went on to consider that the human right to a healthy environment has begun to crystallize through a set of international charters and texts, but that its value as a human right remains simply a moral value that has no binding legal force, so we find a reference to this right in the first principle of the Stockholm Declaration in its text. Human beings have a fundamental right to freedom and equality, to adequate living conditions, in an environment of a quality that permits a life in dignity and with the realization of well-being ... "as also referred to in the first principle of the Rio de Janeiro Declaration on Environment and Development, which reads as follows: Concern for sustainable development, and they have the right to live a healthy and productive life in harmony with nature¹². We find a reference to this right in the fourth point, paragraph 21, of the United Nations Millennium Declaration, which reads as follows "We must do our best to liberate all humanity and, above all, to liberate our children and grandchildren. From the danger of living on a planet irretrievably corrupted by human activities ...¹³" However, these declarations, as stated above, do not have the character of binding and imperative power, but remain mere moral values and principles that States voluntarily adopt and do not have the force of law in themselves.

The third trend: Has gone to the consideration that human beings have the right to a sanitary and healthy environment, and this right is enshrined in accordance with international legal texts for human rights and is an independent right, we find the first recognition of the human right to a healthy environment contained in the "recognition of the human right to a healthy environment in conditions that guarantee its health. Article 25 of the Extract from the Universal Declaration of Human Rights states on "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family ...", referring to the elements associated with human health, and then enshrined this reference and defined them more clearly in the International Covenant on Economic, Social and Cultural Rights, as approved in the text of its Article 12, "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right include those necessary to: ... by improving all aspects of the health environment"¹⁴. Thus, this article was the legal basis for the human right to a healthy and safe environment, which was subsequently confirmed by General Comment No. 14 of the Committee on Economic, Social and Cultural Rights¹⁵, in addition to General Assembly Resolution No. 45/94 on "the need to ensure a healthy environment for the well-being of individuals", as it recognized that everyone has the right to live in an environment adequate to the requirements of his or her health and well-being¹⁶. Thus, this right has become an established and recognised right that must be respected, protected and guaranteed through its implementation by all States.

Second: Consolidating the recognition of the human right to a healthy environment: General Comment No. 14 of the Committee on Economic, Social and Cultural Rights mentioned above has come to affirm and detail the nature of the right to enjoy a healthy environment as one of the internationally recognised human rights in the International Covenant on Economic, Social and Cultural Rights. The provisions of Article 12 of the Covenant, including the affirmation of this, and the recognition of a set of obligations and

mechanisms to ensure the protection and promotion of this right are addressed in the following:

A- Recognition of the right to a healthy environment: The Committee on Economic and Social Rights has recognized the human right to a healthy environment¹⁷, and has held that the right to enjoy a healthy environment includes a range of elements associated with it, in particular the need to provide safe drinking water, to protect people and limit their exposure to harmful substances, such as materials from harmful radiation and chemicals, or other adverse environmental conditions that directly or indirectly affect human health, in addition to ensuring adequate nutrition¹⁸.

b- Obligations arising from the right to a healthy environment: The Committee endorsed a set of obligations related to this right as an affirmation of its nature as a human right, and as a guarantee to ensure its implementation, respect and protection, as it obliges States parties to refrain from unlawful pollution of air, water and soil, to reduce industrial waste and to refrain from using or testing nuclear weapons, The Committee also agreed on the obligations of non-state actors. The Committee also agreed on the obligations of States Parties to develop and implement national policies to reduce air, water and soil pollution¹⁹. It obliges United Nations agencies and programmes to work towards the realization of the right to health at the international, regional and national levels, such as the World Health Organization, the United Nations Environment Programme and UNICEF²⁰.

The second section: the right to a healthy environment is a third-generation human right²¹: A general classification of human rights has been established in three categories, in which the human right to a healthy environment has been recognised in the third generation of these rights, and on this basis, this section first discusses the recognition of this right and then the risks surrounding it according to the following elements:

Firstly: the recognition of the right to a healthy environment as a third generation human right: it should be noted that what is meant by third generation rights is not the aim of dividing rights according to a hierarchy of varying strength and value, but rather an assessment or distinction into three specific categories, all of which are recognised as human rights, which must be respected, protected and implemented. And the third generation human rights include: the right to economic and social development, the right to share in the benefits of the common heritage of mankind, the right to peace, the right to a healthy and sustainable environment, the right to humanitarian assistance and disaster relief, and the right to communicate. Thus, it was decided to recognise the right to a healthy environment as a fundamental third generation human right, and decide in every debate on the nature and value of this right²².

Secondly: The risks surrounding a person's enjoyment of the right to a healthy environment: it should be noted that this right requires a set of ingredients that guarantee the preservation of human health and life, such as the prevention of disease and epidemics, and the guarantee of adequate food and water for the individual, which requires the elimination or limitation of all risks that directly threaten him, such as the risks of disease and epidemics resulting from the direct effects of environmental pollution, or which threaten it indirectly, such as risks to food and water sources such as groundwater pollution, global warming,

climate change and other risks that affect the guarantee of the human right to a healthy environment, and through this, we will try in what follows to address by way of example some of the risks that threaten the components of this right:

A- the phenomenon of global warming: This phenomenon is known as "the gradual rise in the temperature of the lower layer near the earth's surface, which forms the adjacent part of the atmosphere surrounding the earth, from its natural rhythms, and which leads to dangerous climate change for humans and other living things, to the degree to which natural ecosystems, called life-support systems, are reluctant to perform their natural roles and consequently the deterioration of life"²³, The danger of global warming is highlighted by the enjoyment by humans of their right to a healthy environment. The phenomenon of global warming can cause a major environmental crisis, leading to the continued disappearance of the ozone layer, and the appearance of acid leaks, which it describes as a slow disaster that constantly destroys plants, lakes, rivers and the goods they contain, as well as the erosion of rock, soil and mineral installations, its effects on human health and the components of his life, either directly or indirectly, threaten his right to a healthy environment²⁴.

B- The phenomenon of global climate change: This phenomenon is defined as "the occurrence of a change in climate which is directly or indirectly attributable to human activity that results in a change in the composition of the global atmosphere, in addition to natural climate variability, over similar time periods"²⁵. The danger of this phenomenon and its impact on the human right to a healthy environment lies in its impact on the balance of ecosystems, the deterioration of the earth's atmosphere, the occurrence of atmospheric disturbances accompanied by climatic disasters such as tsunamis, floods, hurricanes, forest fires, droughts and heat waves²⁶, increasing the rate of melting of snow and polar glaciers, and thus the rise in sea and ocean levels, which will inundate low-lying areas and entire islands in the Pacific and Indian Oceans²⁷.

C- The phenomenon of biodiversity loss: Biological diversity is defined as "the variability among living organic beings from all sources, including, inter alia, terrestrial and marine ecosystems, aquatic organisms and the ecological compounds of which they are part, and this includes diversity within species and between species and ecosystems"²⁸. However, this diversity has begun to decline in recent decades with the disappearance of many animal and plant organisms, and this disappearance is, in fact, not a modern phenomenon, but the danger in it lies in the rise and increase in its frequency and rates very speedily, This has become a threat to the biological balance of the Earth²⁹, which has its repercussions on the health of man and his life, because the lack of organic and protein substances causes many diseases, and certain types of plants are the main source for the manufacture of a group of medicines, as well as certain animals and micro-organisms chemically treated, the most important example of which is the analgesic "aspirin" used in the relief of pain and lowering of body temperature and extracted from the *Aura* plant., and the drug "insulin" used to adjust the level of sugar in the body, extracted from the bodies of cows and pigs³⁰.

D-Global food crisis: One of the greatest threats to the human right to a healthy environment is the serious imbalance in global food production, resulting either from the direct effects of pollution or indirect effects due to the impact of ozone gas depletion in the

atmosphere, global warming and increased drought that has affected large areas. Global statistics have shown that global food production is not keeping pace with the significant increase in the size of the population growth, especially as global production is constantly negatively affected by the factors of drought, ozone depletion and air pollution that hamper the process of photosynthesis³¹.

E- Water scarcity crisis: Water accounts for 60% to 70% of the bodies of living beings, including humans, and water is the medium in which vital processes take place and the main building block of plants, without which life collapses³², but this basic resource is exposed to an increasing risk of pollution and lowering of drinking water levels. because the pollution of the air with solid and gaseous pollutants pollutes the rainwater that passes through it, and thus its penetration into the soil and its pollution, in addition to throwing wastewater mixed with cleaning products and industrial waste into rivers and seas and contaminating the neighbourhoods in which they live, not to mention the oil spills into the seas and oceans as a result of the delinquency of oil transporters or the washing of their tanks together with the significant decrease in the percentage of groundwater in many regions due to climate change, all contribute to the spread of waterborne diseases and the spread of health diseases resulting from the lack of drinking water elements such as iodine, fluoride, chromium and others, or infection by endemic diseases resulting from the contamination of drinking water, such as cancer, or severe cases of dehydration of the body as a result of the loss of drinking water³³.

F- The dangers of environmental pollution: The sharp increase in human activities polluting the various elements of the environment due to the great industrial expansion and rapid technological development has led to unprecedented environmental degradation, so that the exploitation of various energy sources such as coal, oil, and natural gas³⁴, which has been accompanied by a sharp increase in population and urban and industrial expansion at the expense of green spaces and agricultural areas, have exacerbated the problem of desertification and drought, and have led to a loss of biodiversity, an increase in global temperatures, and a great waste of energy, especially since this accelerated pace is not based on well thought-out foundations based on the principles of sustainable development³⁵.

The second topic: Protection and promotion of the human right to a healthy environment:

In order to protect and promote the human right to a healthy environment and to preserve and protect all the elements associated with this right, it is necessary to start adopting a set of steps, procedures and mechanisms, perhaps the most important of which is the adoption and activation of the principles of sustainable development³⁶, set out in the 21st century agenda³⁷. For the 21st Century Action, or "21st Century Agenda" as it is called, endorsed a set of principles and provisions to protect and promote the human right to a healthy and safe environment, as stated in paragraph E of Chapter Six of the Agenda. Under the heading "Reducing health hazards arising from environmental pollution and risks", it is stated that the severity of environmental pollution has become a threat to the health and lives of millions of people as a result of human activities, for many reasons, including increased consumption and production patterns, lifestyles, energy production and use, industry and

transport, etc. That is to say, with little or no consideration for the protection of the environment...", and from there we will try through this topic to define the principles of protection of the components of human health in a first requirement, and then the components of protection of the natural environment in a second requirement.

The first requirement: The elements of human health protection: In this requirement, we will try to identify the principles of hunger and poverty eradication in a first section, and then the principles of freshwater and resource protection in a second section as follows:

Section 1: Ending Hunger and Poverty: In this section, we address the following issues:

A- Advancing sustainable agriculture and rural development: The crisis of food scarcity and hunger are among the greatest problems that undermine the human right to a healthy environment. The significant increase in population growth, particularly in developing countries, has made available resources and technologies insufficient to meet their needs for food and agricultural commodities, and it is therefore necessary to address the challenge of dealing with this crisis by promoting agriculture in a sustainable manner, increasing production from currently exploited agricultural land and avoiding further encroachment on agricultural land. This requires major adjustments in agricultural, environmental and economic policies, both at national and international level, in order to create the appropriate conditions for the advancement of agriculture and sustainable rural development in a way that ensures a sustainable increase in food production and improves food security³⁸.

B- Environmentally Peaceful Management of Biotechnology: Biotechnology means a set of traditional and modern technological knowledge that enables specific man made changes in the DNA or genetic material of animals, plants and micro systems that lead to better products and technology. However, it should be noted that biotechnology cannot solve all the basic problems of hunger or poverty, as it carries risks that are not precisely known, however, it may contribute to creating better health care and enhancing food security through the application of sustainable agricultural practices, to improve drinking supplies, increase the efficiency of the industrial development process with regard to the transformation of raw materials, support sustainable methods of forestry and reforestation and detoxify hazardous wastes. Biotechnology also provides new opportunities for global participation, especially among countries rich in biological resources and lacking experience and investments needed and countries that have gained the experience to transform biological resources to serve sustainable development, and this can only be achieved by following a plan aimed at increasing the provision of food, fodder and renewable raw materials, working to improve human health, enhancing environmental protection, and enhancing biosafety, and the development of international mechanisms for cooperation, and the establishment of a mechanism to enable the necessary development of environmentally sound biotechnology³⁹.

The second section: Protection of the quality of fresh water resources and their supplies: Fresh water resources are an essential element for ensuring the human right to a healthy environment, and an indispensable part of terrestrial ecosystems. The fresh water

environment is characterized by its hydrological cycle , including floods and droughts , which , in many areas have become very extreme and have serious consequences . Also , global climatic changes and atmospheric pollution have had negative impacts on fresh water resources and their availability.

Hence , the need for fresh water in all aspects of life requires ensuring the maintenance of an adequate supply of fresh water for all the inhabitants of the earth , working to preserve the hydrological and biological chemical functions of ecosystems , and adapting human activities within the limits permitted by the carrying capacity of nature , and combating water related diseasevectors, while improving technologies to ensure full use of limited water resources and to secure these resources from pollution , and this requires integrated planning and management for all water bodies.

It must be supported by accompanying measures , conserve water and reduce waste to the maximum extent possible in its use, and put in place the necessary measures to prevent and control the risk of floods , in addition to monitoring the process of leakage , and therefore the planned programmes must cover various aspects , especially integrated development and management of fresh water resources assessing and evaluating these resources ,ensuring the quality of water and aquatic systems ,and striving to have sufficient drinking water supplies and sanitation facilities to meet the needs of all human beings ,while providing sufficient water for sustainable food production production and rural development , minimizing the effects of climate change on water resources⁴⁰.

The second requirement: the elements of protecting the natural environment: We will try through this requirement to define the principles of preserving the elements of the natural environment in a first branch , then combating environmental pollution in a second branch according to the following:

Branch One: Preserving the elements of the natural environment: Through this section , we address the following:

A- Protecting the atmosphere: In order to protect the atmosphere , it was necessary to activate the international agreements related to the atmosphere , especially the Vienna Convention for the protection of the Ozone Layer of 1985, The Montreal Protocol on Substances that deplete the Ozone Layer of 1987, as amended , and the United Nations Framework Convention on Climate Change of 1992 , and other international and regional instruments, with the need to adopt the principles of sustainable development in four basic areas/

1.Addressingincertainties: By improving the scientific basis for decision making.

2.Promoting sustainable development: through the development of energy , its efficiency and consumption , the development of transport sector, industrial development , the development of land and marine resources and land use.

3. Preventing activities that deplete the ozone layer.

4. Stop cross border air pollution⁴¹.

B. Protecting the oceans and all kinds of seas : The marine environment , including oceans , all seas and adjacent coastal areas constitute an indivisible whole and an essential element of the preservation of life on the planet. The marine and coastal areas and their

resources , which ensures their sustainable development , and this requires a new approach towards the management and development of marine and coastal areas, at the national and international levels, so that they are integrated in their content ,preventive and predictive in terms ,This can only be achieved through the integrated management and sustainable development of coastal areas including exclusive economic zones , the need to protect the marine environment , ensuring the exploitation and sustainable conservation of marine living resources in the high seas , and working to address critical uncertainties . With regard to managing the marine environment and climate change, strengthening , cooperation and coordination at the national and regional levels, and achieving sustainable development for small islands⁴².

C- An integrated approach to planning and managing land resources: In this context, land is defined as a physical entity , including soil , minerals , water , plants and animals, defined in ecosystems that perform a variety of functions necessary to maintain the integrity of the systems that ensure the continuation of life and environmental productioncapacity. Hence , it is necessary to move forward in the way of using the land and its natural resources more efficiently and effectively. And the integration of urban planning and management and land use is one of the prominent practical means to achieve this goal , because the study of all land uses is an integrated that that allows the possibility of linking social and economic development with the protection and improvement of the environment , ensuring the achievement of the goal of sustainable development⁴³.

D- Combating deforestation: This is through adopting a sustainable approach in all activities related to forests and forest lands, because there is a significant weakness in the policies , curricula and mechanisms adopted to support and develop the multiple ecological , economic , social and cultural roles of trees, and forests and forest lands , in addition to the negative effects caused by air pollution and fire damage . All of this requires adopting more effective measures and approaches at the national level in order to improve public policy formulation, planning and programming , and setting measures and legal texts , following sustainable patterns , and involving all citizens in this, in addition to encouraging the role of the private sector and local organizations and non governmental organizations , with the development and support or research capacities in this field , and the development of structures and mechanisms to ensure its implementation in coordination between the various sectors , in addition to establishing incentives and deciding responsibility , and providing and disseminating information . All of this ensures a rational and comprehensive approach towards forest development sustainably and environmentally sound⁴⁴.

E- Sustainable mountain development: It includes mountainous area sand hill slopes. Richly diversified ecosystems. It also creates a gradient in temperature, precipitation and solar radiation. The slope of a mountain can contain several climatic systems such as tropical, subtropical, temperate and semi temperate systems. The mountains are also an important source of water , energy and biodiversity , and a source of major resources such as minerals, agricultural products and a space for tourism and recreation. The mountain environment is a key ecosystem for building a global ecosystem . However, it is noticeable that mountain ecosystems are undergoing rapid change , and are subject to accelerated soil degradation ,

landslides, and rapid loss of biodiversity, and this change has a negative impact on humans .Poverty is widespread among mountain dwellers , and as a result , therefore , effective and rapid steps must be taken in order to limit the degradation of the mountain environment, by developing and enhancing knowledge about the environment of mountain ecosystems and their sustainable development through a survey of various mountain eco systems , establishing a database around them , establishing and strengthening a communication network and a clearing bank of information , and coordinating regional efforts to protect fragile mountain ecosystems by developing appropriate mechanisms, including regional legal instruments⁴⁵ .

F- Biodiversity conservation: Biological diversity is of paramount importance to our health and life. The goods and services that our planet enjoys depend on the diversity and variation of genes, species, living communities and ecosystems, Biological resources are what provide us with food, clothing, housing medicine and spiritual food. Most of the biodiversity on our planet is found in the natural ecosystems of bushes and grasslands ,deserts, rivers and lakes , as well as agricultural fields and gardens. However, human activities currently contribute to the deterioration of this diversity dangerously as a result of over harvesting, pollution, and to take urgent and decisive measures improper introduction of exotic animals and plants. Hence , it was necessary to take urgent and decisive measures in order to manage and use biological resources in a sustainable manner , so that national and international capacities to assess , study, observe and assess biodiversity must be strengthened, and effective measures must be taken at the national level and cooperation at the international level to protect ecosystems and their natural habitats , conserve and biological and genetic resources, and improve ecosystem functions , Participation and support from local communities are essential elements for the success of this approach, while not forgetting that countries have the sovereign right to exploit their biological resources in accordance with their own environmental policies , as well as their responsibility to conserve their biological diversity and use their biological resources in a sustainable manner, and to ensure that activities carried out within its jurisdiction or control do not cause damage to biological diversity in other countries or in areas outside their national borders⁴⁶ .

Section Two: Combating environmental pollution: Through this section , we address the following:

A-Environmentally sound management of toxic chemicals: Pollution with chemicals is considered one of the most dangerous types of environmental pollution that threatens the human right to a healthy environment, as it causes great damage to human health and the elements of the natural environment , and its far reaching effects extend to include even the basic chemical and physical process of the earth's atmosphere and climate, which has prompted a large number of international bodies to unite their efforts to work in the field of environmental security. Also , all countries have developed work programs based on enhancing environmental security for the management of chemicals, and this work has had international impacts because the risks of these materials do not adhere to national borders . However, this work requires a significant strengthening of national and international efforts to achieve an environmentally peaceful management of chemicals . This requires seeking to

expand the international assessment of chemical risks as soon as possible, and work to unify efforts and coordination to classify chemicals and distinguish them with cards, with the need to exchange information on toxic chemicals and their risks, and outline programs that would reduce these risks and strengthen national capacities and energies in this field, and ban all illegal international trade in toxic and dangerous products⁴⁷.

B- Environmentally sound management of hazardous waste: Effective control of hazardous waste generation, storage, treatment, recycling, transportation, use and disposal is of great importance to the safety of human health, protection of the environment, and management of natural resources to achieve sustainable development. This requires the active cooperation of the international community, governments and industrial sectors, including non-national and local companies, in order to strive, to prevent or reduce the generation of hazardous waste to a minimum, stopping or minimizing the movement of hazardous waste across borders⁴⁸. The transboundary movement of hazardous waste should be based on environmental and economic grounds. Accordingly, a program of action must be drawn up to ensure the promotion of the prevention and reduction of hazardous wastes to a minimum, the strengthening of institutional capacities for the management of hazardous wastes, the encouragement and activation of international cooperation in managing the transboundary movement of hazardous wastes, and the prevention of all types of international trade, illegal hazardous waste⁴⁹.

C- Environmentally sound management of solid waste and sanitary sewage: It includes within the concept of solid waste all household waste, non-hazardous waste such as commercial and institutional waste, street rubbish, construction debris, human waste, ash from incinerators, and sewage sludge, sewage tanks, or waste generated from sewage treatment plants. Hence, the sound management of these wastes does not mean merely the safe disposal and recovery of them, but rather the endeavour to eradicate the roots of the problem by working to change production patterns and consumption that can not be sustained. Thus, this endeavour should aim primarily at reducing waste and its recycling to the maximum extent in environmentally sound manner, promoting waste disposal and treatment, and expanding waste sewage networks to include all communities population⁵⁰.

D- Environmentally sound management of radioactive waste: Radioactive waste is generated from the nuclear fuel cycle or from nuclear applications, and it is extremely dangerous to human health and to various elements and environmental systems, which obliges countries to resort to very strict measures to prevent their radiological danger. We find that all countries that have nuclear power generation programs take technical and administrative measures to implement a radioactive waste management system. The danger of this waste requires that the process of managing, transporting, storing and disposing of these wastes be carried out in an environmentally safe manner in order to protect health of humans and their environment. Based on this, states, in cooperation with relevant international organizations, should work to encourage policies and practical measures to reduce radioactive waste to the lowest possible limit, while taking the necessary measures to treat it in an environmentally safe manner, and support the efforts of The International Atomic Energy Agency to develop publishing standards and guidelines for the prevention of

the danger of this waste, encouraging the storing of radioactive waste , environmentally sound planning for its management , and harnessing all human and technical efforts and capabilities to ensure this⁵¹.

Conclusion:

This study was conducted in order to understand the various aspects surrounding the human right in a healthy environment as a third generation human right, and it concluded with a set of results , including:

A-The existence of a direct relationship between the quest to preserve and protect basic human rights and the need to preserve and protect the elements of the environment , which necessitated a double recognition that includes the two rights , which is the recognition of the human right to a healthy environment as a basic right of the third generation.

C-The human right to a healthy environment necessarily requires the promotion and protection of all requirements associated with it, especially adequate food, good water, and a healthy environment.

D-Embodying the real protection of the human right to a healthy environment requires unifying efforts at the international and internal levels in order to put in place a comprehensive system that would ensure the cessation of everything that threatens this right, and encourage every initiative that would strengthen it.

Recommendations: Recognizing the human right to a healthy environment requires all actors in the field of human rights , environment and health , such as the international human rights committees the World Health Organization , and the United Nations Environment Program , to unify their efforts to develop an independent international instrument with The mandatory nature of the recognition of this right, taking into account the need to achieve sustainable development in various economic, environmental and health fields, while strengthening it with a legal and executive mechanism that ensures its activation , respect and implementation by all countries and this is under the auspices of The United Nations and in coordination with countries , non-governmental organizations and all parties concerned with the issue.

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- ⁸ - DARDICHE AHMED Reproductive Health in Algeria , PhD thesis in Sociology , University of SaadDahleb , Blida . Faculty of Arts And Social Sciences.2010, P 84.
- ⁹ - OTHMANE DJAMEL ABBAS AHMED,Protection of The Environment from Pollution ,Comparative Study Between Sharia and Law,Egypt,Journal of Research and Legal, Studies,03,2012,P 196.
- ¹⁰ - TAHRI SEDDIK, Fiscal Mechanisms for Environmental Protection, Algeria Case Study , memorandum for obtaining a master degree in economic sciences , University of Algiers , Youcef Benkhadda , Faculty of Economics and Management Sciences,2009, P 13.
- ¹¹ - SALAMA AHMED ABDELKRIM, Environment and Human Rights in National Laws and International Conventions,Egypt,Magazine of Law and Economic Searches, number 15 ,1994, P 06.
- ¹² - The Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development, held in Rio de Janeiro, from June 3 to 14, 1992.
- ¹³ - United Nations Millennium Declaration, adopted pursuant to United Nations General Assembly Resolution A/55/L.2, of September 13, 2000.
- ¹⁴ - The International Covenant on Economic, Social and Cultural Rights was adopted and opened for signature, ratification and accession by United Nations General Assembly Resolution 2200 A (D-21) of December 12, 1966.
- ¹⁵ - The Commission on Economic, Social and Cultural Human Rights, at its second session, held in 1988, by resolution E/1988/14, paragraphs 366 and 367, based on a case brought to it by the Economic and Social Council "Resolution 1987/5" and approved by the General Assembly "Resolution 42/102," decided that start, as from its second session, to prepare general comments as interpretation based on the various articles and provisions contained in the International Covenant on Economic, Social and Cultural Rights with a view to assisting States Parties to fulfill their obligations and to submit reports thereon; See International Human Rights Instruments, Volume I, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaties, Document HRI/GEN/1/Rev.9 (Vol. I) of 27 May 2008.
- ¹⁶ - See UN General Assembly Resolution 45/94, 86th Plenary Meeting, 14 December 1990.
- ¹⁷ - International Human Rights Instruments, Volume I, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaties, Document No. HRI/GEN/1/Rev.9, (Vol. I) of 27 May 2008, P 83.
- ¹⁸ - *ibid*, P 88-89.
- ¹⁹ - *ibid*, P 90-91.
- ²⁰ - *ibid*, P 97-98.
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- ³⁵ - LAAMI AHMED,The Problem of the The Paradoxical Relationship Between Economic Growth And Environmental Protection , A Compromise Comparison, Algiers , Magazine The Searcher,12, 2013, P 90-91.
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