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The Right to a Favorable Environment in International Law: Contemporary Developments and Challenges

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Abstract: This article examines the evolution and current state of the right to a favorable environment in international law, analyzing key developments, challenges, and future prospects. Through analysis of international legal instruments and jurisprudence, it demonstrates how this fundamental right has developed from early environmental declarations to become an integral part of modern human rights protection systems.

Keywords: environmental rights, international law, human rights, environmental protection, sustainable development.

Introduction

The right to a favorable environment has emerged as a fundamental human right recognized in both international law and national legal systems worldwide. This right's development reflects growing awareness of the crucial connection between environmental quality and human wellbeing. The 1972 Stockholm Declaration first established this connection by recognizing that humans have "the fundamental right to freedom, equality and adequate conditions of life, in an environment of quality that permits a life of dignity and well-being."

The Rio Declaration on Environment and Development of 1992 highlights the importance of inter-state cooperation in creating a favorable and open international economic system, which will lead to economic growth and sustainable development in all countries and to more effective solutions to the problem of environmental degradation. In particular, it notes that the international economic system should be aimed at ensuring economic growth, sustainable development and the formation of effective solutions to the problems of environmental degradation, and that "measures in the field of environmental protection aimed at solving transboundary or global environmental problems should, as far as possible, be based on international consensus.

Based on the interrelationship between the right to a favorable environment and the right to a healthy environment, it is also necessary to note the United Nations Framework Convention on Climate Change of 1992 and the Kyoto Protocol of 1997, which enshrine the provisions that the participating parties should encourage activities aimed at creating effective conditions for the development, application and dissemination of environmentally sound technologies. The noted international legal acts also emphasize the importance of exchanging information on actions that contribute to solving the problems of climate change and its adverse consequences [1].

Among the legal acts in which the right to a favorable environment is not directly, but still touched upon, the African Charter on Human and Peoples' Rights of 1981 should be mentioned. In Article 24, it is defined: "All peoples shall have the right to a general satisfactory environment favorable to their development".

We also believe it is important to note the World Declaration of the International Union for Conservation of Nature (IUCN) on Environmental Rule of Law, adopted at the World Congress on Environmental Law at its meeting in Rio de Janeiro on April 26-29, 2016. It establishes the principles of environmental rule of law, which, in our opinion, are the basis for ensuring the right to a favorable

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environment. And although this document is not a formally agreed document, we believe that all states should take into account its provisions in the formation of legal regulation at the domestic level. [2].

The importance of forming an approach according to which not only the right to a favorable environment will be comprehensively regulated, but also comprehensively ensured.

As I.O. Krasnova notes, more than 150 countries in the world recognize the right to a healthy and favorable environment in their constitutions [3]. In a number of states, this right is directly enshrined (for example, Article 49 of the Constitution of the Republic of Uzbekistan; Article 36 of the Constitution of Turkmenistan, and it also has original forms of expression. In Iraq, Article 33 states that "everyone has the right to live in a favorable environment". In the Constitution of the Republic of Korea, Article 35 notes the right to a healthy and favorable environment. At the constitutional level, the right to a favorable environment is also interconnected with the state of the environment that is favorable for human life and health.

Despite the differences in the wording of the definitions of the object of legal protection in the constitutions, for example, in a number of states this right is defined through such legal categories as "healthy environment".

In our opinion, it is significant when, in the context of the right to a favorable environment, the element of culture and coherence of actions that contribute to the synthesis of economic interests that are in direct relationship with a favorable environment and a careful attitude towards nature, which generally affect the complex of human rights, is considered.

The culture of peace is a combination of value orientations, worldviews, traditions, behavioral patterns and lifestyles based on:

Respect for rights and freedoms;

Efforts aimed at meeting the needs of the present and future generations in the field of development and the environment;

Respect and promotion of the development of the rights of the new generation, including the right to development.

Based on the principle of intergenerational solidarity, emphasized that society as a whole, as well as each individual in particular, are obliged to pass on to future generations a healthy and viable environment, therefore, the member states of the Council of Europe are recommended to: ensure adequate protection of the life, health, physical integrity and property of the individual; create information systems devoted to the environment and, wherever possible, encourage public participation in the decision-making process; cooperate and share responsibility in case of environmental damage.

Given that the right to a favorable environment is connected not only with economic activity, but also requires certain financial resources to minimize the consequences of accumulated harm, we consider it significant in legal regulation to take into account the obligation of every person to protect nature and the environment [4].

The right to a favorable environment has evolved significantly but requires continued development of implementation mechanisms and stronger international cooperation. Success depends on balancing economic development with environmental protection while ensuring effective enforcement mechanisms. Future developments should focus on strengthening international cooperation, enhancing enforcement mechanisms, and ensuring broader public participation in environmental decision-making.

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Legal Documents:

- Stockholm Declaration on the Human Environment, 1972
- Convention on the Protection of Human Rights and Fundamental Freedoms, 1950
- Framework Convention on Climate Change, 1992
- Kyoto Protocol, 1997