

## THE RIGHT TO A HEALTHY ENVIRONMENT, PRESERVATION AND DEVELOPMENT OF CIVILIZATION

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### Abstract

Modern civilization encounters a number of problems including environmental issues which are highly significant and request a review of the relationship of man and society to nature. This paper links the right to life as one of the basic human rights with the right to a healthy environment and points to the necessity of exercising this right, not only from the standpoint of law, but also from the standpoint of justice. In this context, the connection between this right and the achievement of social justice at the local and global level is also emphasized, since according to the author, the exercise of this right is the basis of survival and further development of modern civilization.

**Key words:** right to life, right to healthy environment, justice, social justice, development of civilization.

## ПРАВО НА ЗДРАВУ ЖИВОТНУ СРЕДИНУ, ОЧУВАЊЕ И РАЗВОЈ ЦИВИЛИЗАЦИЈЕ

### Апстракт

Савремена цивилизација сусреће се са бројним проблемима међу којима еколошки проблеми заузимају значајно место и захтевају преиспитивање односа човека и друштва према природи. У раду се право на живот као једно од основних људских права доводи у везу са правом на здраву животну средину и указује на неопходност остваривања тог права не само са становишта права, већ и праведности. У том контексту указује се и на повезаност овог права са остваривањем социјалне правде на локалном и глобалном плану, јер према мишљењу аутора остваривање овог права представља основ опстанка и даљег развоја савремене цивилизације.

**Кључне речи:** право на живот, право на здраву животну средину, праведност, социјална правда, развој цивилизације

### *INTRODUCTION*

In recapitulation of the development of human history it has long been emphasized that it is tantamount to a permanent quest for freedom and justice. However, from the mid and especially the end of the twentieth century, these important components in the development of human history are complemented by the pursuit of environmental protection, survival and development of human civilization for all the inhabitants of the globe. This amendment was created in the changed conditions of evolutionary changes in the cosmos, and in particular the changes in the man-nature relationship, in which man has the role of the processor and the usurper of nature. From this perspective it is also suggested that there is a threat to the natural environment as the cradle of human civilization and that its protection is required.

### *ENVIRONMENT AS A FRAMEWORK OF LIFE*

Operationalizing the exercise of the right to a healthy environment and its protection requires conceptual definition of the environment and its pollution, as well as endangering their balancing relations. This is all the more so since there are differences in the conceptual determination of the environment. The existence of two concepts of the environment is usually indicated: extensive and restrictive. According to the extensive concept, the environment represents the unity of external physical elements and the products of human activity. However, according to the restrictive concept, the environment includes the external physical element without human activity, yet supporting it. Confronting these concepts and regarding them from the standpoint of the reality degenerated the attitude according to which a correct understanding is that of the extensive concept. It is considered to be more correct, because the man is a natural and social being for whose existence both worlds are needed - natural and social. In this sense it can be said that the extensive environmental concept relies on the fact that the products of human activities are a part of the environment and such concept does not exclude, but sets rational boundaries to the anthropocentric approach to the environmental protection. This extensive concept expands the space for the constitution of the human right to a healthy environment, as a specific personal human right in the context of his/hers political rights. In addition, this concept offers the possibility of reconciliation between anthropogenic and eco-centric access to the law which governs the environmental protection. Reconciling these two concepts is inevitable due to organic conflict between environmental preservation and economic development. The latter itself degrades nature in its original state. Hence, the protection of nature cannot be understood as an abstract, complete protection that would basically lead to suspending economic progress, but as maintaining ecological balance, in terms of development

“without compromising the ability of future generations to meet their own needs” - or “ecological balance in terms of sustainable degradation of nature as a counterpart to sustainable development” (Kreća, 2011, p. 691).

Pollution and environmental degradation are carried out directly or indirectly by man who enters into the environment matter or energy that somehow disrupt the balance in the ecosystem or the balance of the ecosystem, which impede their natural “order” (composition and functional connectivity) of their elements (or relationship among them), which can cause harm to human health, i.e. broadly speaking, to the life in the environment.

This distortion of the elements’ composition and their functioning, as well as the relationship between the ecosystems as the units of a larger ecosystem, is usually associated (even conditioned) with man's work activity, so in that sense it points to the connection between disrupting working and living environment. (For more, see: Marković, 2005, pp. 144-150). From the point of such definition of pollution and degradation of the environment, its protection involves activities which make such pollution (destruction) impossible, and consists of preventing and disabling the bringing into working and living environment of materials and energy that cause changes in ecosystems and their relationships, which turn out to be not only unfavorable but also harmful for life, therefore the question is how to protect against them, both in the working and living environment (Marković, 1982, pp. 11-12), which, from this point, have historical and civilizational significance (Marković, 2002, pp. 16-24).

However, these considerations about the causes of environmental degradation through the disruption of balance in ecosystems and their relationships should be supplemented with the knowledge of the fact that the planet Earth as a “framework of life” and the homeland of human civilization represents the union of all mutually conditioned and associated ecosystems and the disturbance of balance in certain ecosystems reflects in all ecosystems, in their totality, i.e. the distortion in certain ecosystems, sooner or later, faster or slower, leads to the degradation of life on a global scale, i.e. it gets global character, i.e. it leads to the degradation of the global system as the union makes “framework of life”. This is also expressed in the well-known phrase about the relation of local and global, “think globally - act locally”, hence, the harm to the environment and its preservation and protection emerge as a global problem. As it is indicated, based on scientific and experiential information “our world is not chaotic, but orderly universe with its own laws and regularities” (Kanazir, 1991, p.12), which must be kept in mind while manufacturing “usurping nature” if natural “framework of life” wants to be preserved and in the same time preserve the homeland of human civilization.

Environmental protection and parts of preservation (and development) of human civilization are intertwined, or rather represent a unity whose basis

is the unity of the planet Earth. In this fashion, the exercise of the right to a healthy environment gets a new dimension which is manifested through the fact that the preservation of “the natural represents planet Earth itself, it gets civilization-ethical character and the importance of preserving the mankind environment and its civilization with categorical system of values that the nature has created, and now develops and creates in a new natural-historical parts (Marković, 2009, pp. 327-337).

### *THE RIGHT TO A HEALTHY ENVIRONMENT*

Although in practice, since the occurrence of human civilization, the relationship of man to nature led to disruption of the ecological balance, primarily to pollution of nature, environmental problems began to be intensively talked about in the mid twentieth century. The research of scientists of different profiles about the relationship between man/society to nature contributed to this. Among them, an important place belongs to R. Carson (R. Carson, 1962), but also to the researches published as reports of the Club of Rome, primarily Meadows (Meadows, DH et al., 1972), Mesarević and Pestel (Mesarović, M. & Pestel, 1974/1976) and Tinbergen (Tinbergen, 1976). In accordance with the fact that pointing out the negative influence of society on the environment occurs only after the adoption of the Universal Declaration of Human Rights (1948), the environment has not found its place in the formulation of basic human rights, even though as Vukasović has stated

“Certain elements of the right to adequate environment (for example, an adequate standard of living, the right to health, food, etc.) existed, however, in the Universal Declaration of Human Rights (1948) and in both International Covenants on Human Rights (1966)” (Vukasović, 2003, p. 90).

Vukasović correctly concludes that it is not possible to realize the right to an adequate “standard of living” (Universal Declaration of Human Rights, 1948, art. 25), nor the right to enjoy “the highest attainable standard of physical and mental health” (International Covenant on Economic, Social and Cultural Rights, 1966, art. 12), “without adequate environment” (Vukasović, 2003, p. 90).

Starting from the proclaimed human rights, based on the findings of the increasing environmental pollution and the need for its protection, we arrive to linking basic human rights (life, health, food, housing, etc.) and the environment. In this way we reach the need to amend the corpus of human rights and freedoms, which was developed by civilization changes in the society, particularly the changes in the understanding of man's position in the forms of organizing his life, especially in a society. Despite and alongside the existence of many and diverse rights and freedoms of man, it is indicated

that it is necessary to introduce the right to a healthy environment as an individual human right.

The incentive to discussions about the introduction of the right to a healthy environment was given at the UN Conference in Stockholm in 1972. The adopted Declaration not only defines the environment as a set of natural and man-made values,

“...Two elements of human environment, the natural one and the element which the man himself created, are essential to his well-being and the full enjoyment of his fundamental rights, including the right to life itself”  
(Declaration of the United Nations Conference on the Human environment, 1972)

but also the right to adequate living conditions is associated with the quality of the environment, dignity and well-being. Thus, Principle 1 of the Declaration says: “man has the fundamental right to freedom, equality and adequate living conditions, in the environment of whose properties allow him to live in dignity and prosperity”.

After the adoption of this Declaration, the right to adequate environment finds its place in other international instruments (e.g., the Rio Declaration on Environment and Development, 1992; United Nations Framework Convention on Climate Change, 1992; Convention on the Rights of the Child in 1989, and others). The UN Commission on Human Rights directly or indirectly dealt with this right and the link between human rights and environmental protection as of the Tehran Conference on Human Rights (1968) to the present (e.g. in 1990 the document Human Rights and the Environment has been discussed, and in 1997 the Report of the Secretary-General on human rights and the environment).

The right to live in a healthy environment is usually classified into the third generation of rights or solidarity rights, although there are those who believe that this right is the mix of specific civil and political rights on the one hand and the social, economic and cultural rights on the other (see e.g.: Vukasović, 2003, p. 89; Byrne & Boyle, 2002, pp. 252-265; Malgosia Fitzmaurice & Marchal, 2007, pp. 103-151; etc.). This right contains the right to information of a man in a timely manner about the state of environment and social responsibility of certain entities, primarily government bodies, to take care of its protection. However, although the classification of human rights and freedoms recognizes this right and puts it in personal rights, its holder is not an individual, but certain categories of citizens in their mutual relations (Marković, 2005, pp. 594, 607-608).

For the realization of this rights, as an individual right of man with global significance, it is necessary to consider the conceptual determination of the environment with the conceptual definition and characteristics of our planet. Our planet represents the union of all mutually conditioned and associated ecosystems and as such represents a biological basis, “living

environment” of our civilization (Mičačić, 2005, pp. 11-25). Therefore, we can say that human civilization lives on a divided, but natural-organic indivisible country. In fact, human society was established in a historical process, whose fundamental unity is given in a single physical (biological) benchmark, the physical unity of the globe in which social processes and human history has happened. “It’s a cosmic-physical space where communication between people is possible”, which enabled the emergence and survival of human civilization (Vajs, 1965, p.8). Thus, it can be said that the planet Earth is a homeland to the man who has in itself a man as the supreme value. In this man’s homeland, relationships in ecosystems and among ecosystems have been tampered, but they have been set in a natural way as they emerged, without some significant and greater influence of human activities. However, with the strengthening and particularly emphasized influence of human activities in ecosystems and among them, the natural state of relations is missing, between them and in them; on the contrary, these relationships are disrupted to such an extent that the earth can lose living conditions, or even the man (Bubanja, 2000, p. 236). Therefore, if we want to preserve man’s biological “framework of life”, there is a need to have the social action on the society, primarily in a legally regulated manner and to solve and resolve problems of the collapse in ecosystems and among ecosystems that threaten the survival of life in general, including human life (Čobeljić, 1991, p. 87).

The responsibility for the preservation of the “framework of life” of mankind and human civilization should find its place in the projection and implementation of the usurping-production relationship of man to nature and in the biological basis of the human race and its civilization, and in this sense in a clearer formulation of the environment and the importance of its protection and preservation. This is all the more so because only in a healthy environment a higher quality of life can be provided.

The right to a healthy environment, as indicated, falls into the category of personal rights of man; however, its holder is not an individual but particular social groups, and possibly the whole humanity in its specific unity, as the totality of all forms of social life of man in global comprehension. This law imposes an obligation on states to “take measures to control the pollution that affects the health and private life” (Boyle, 2012, p. 613), but it also imposes obligations to the international community. Thanks to this right, which becomes an integral part of the constitution of individual states, over one hundred countries introduced this right in their constitutions (e.g., Serbia, Norway, Colombia, Slovenia, Russian Federation, Republic of Belarus, etc.).<sup>1</sup> In this way, the states

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<sup>1</sup> Besides the formulation of the right to a healthy environment, in the constitutions which included this right we also find the formulations: the adequate environment and suitable/favorable environment.

themselves become directly responsible for the environmental protection, i.e. the legislation and implementation of the laws in the field of the environment.

On the basis of a single, unique and only “framework of life”, the right to a healthy environment refers to all the inhabitants of the Earth and thus its implementation is based on equality and justice. Therefore, the equality measure of the human race members in their lives as members of various social groups and society in its global understanding, when it comes to environment, should be stated in the basis of distribution of what has been achieved by the production activity, obtained thanks to the growth of economic and technical potential, efforts and sacrifice. In this context, equality and justice should exist towards the natural environment in terms of producers' usurpation and preserving items of usurpation. For justice, equality is more important than freedom, the universality of the particulars, identity and individuality. (Mayor, 1991, p. 68). Such approach to the environment is a necessity, since the man lives in the community, which is increasingly getting global character, immersed in its own creation, in its masterpiece which was its goal, but which can also become its end (Ibid, p.68).

In the context of such approach to the environment from the standpoint of its preservation and protection using also the right to a healthy environment, there is a need to consider the exercise of this right from the standpoint of not only the right but also justice. This consideration should start not only from the relationship of right and justice, but also from their distinction. The right is a legal category tied to the state that institutionalizes it, while justice is a moral category. (Škero, Petrović, 2014, p.77). As a moral category it is a universal concept and value. That is why in all cultures and historical epochs it is possible to identify certain views about justice as a necessary attribute in the regulation of the rule. This connection between the rule of law and justice has manifested, with special power, in historical development of the modern forms of Greco-Roman-Germanic family of laws (European-continental legal system).

“In the philosophy of law there are numerous theories about justice. Some of them are descriptive and some normative. In contrast to the descriptive theories of justice, which attempt to describe the actual value judgments that exist in a given society (descriptive ethics and especially its analytical subspecies, meta-ethics), normative theories of justice explore possibilities to establish value judgments” (Košutić, 2014, pp. 99-100).

The consideration about justice and righteousness has its place in the consideration of the need for institutionalization and the exercise of the right to a healthy environment, as the universal right for the achieving

righteousness in a global society. This represents a kind of social justice for all human beings, achieved by exercising the right to a healthy environment by rearranging the biosphere in the interests of free-thinking mankind. (Marković, 1998).

The attitude of the equality of all human beings and their social forms of life towards the natural environment, which is understood as the humanity environment, represents the basis of achieving justice and righteousness in human society. Understanding on such basis of justice stems from the perception of the relationship of justice and natural rights since the natural rights are essential to man as a natural being. In this regard we should understand the indication that the natural right is universal and in some sense supranational, as much as we should understand the theories according to which the natural right was “an integral part of the world order created before and independently of the people” (Košutić, 2014, p.100) and therefore “righteousness and justice can be directly opposed” (Škero Petrović, 2014, p. 78). It is necessary to point out the understanding about the relationship between natural rights and justice, according to which justice is “the cardinal virtue” of man, which implies the respect for the law and treating others as equals. Apprehended in this way, justice is higher than all the virtues and contains all other virtues. In this context it is possible to rethink the relations in contemporary society and solve environmental problems and in this context solve the problem of the right to a healthy environment. This approach is in some way on the line of understanding the general flow of human history, which can be formulated as its adding up to “permanent search not only for freedom but also for justice” (Alesković-Nikolić, 2007, p. 25).

Such reflection of the right to a healthy environment, its conceptual definition and realization are associated with the realization of justice as “the cardinal virtue of man” and this realization is of a global scale, since the right to a healthy environment is a global right whose realization is of concern of all people and humanity, because it represents a natural framework of life. (Mayor, 1991, p. 68). In this approach to reflection about the right to a healthy environment, as the right to justice and righteousness, we come to the need of determining the notion of a just society, both of individual societies and the fairness of a global society. This paper does not engage into broader consideration of this issue, but within the limits of such approach to the concept of justice and fairness, we accept their determination at the level of specific societies and the society on a global scale. A society is righteous to the extent that the power to determine the procedures and regulate important processes is equally distributed. In other words, a just society is a society in which there is no domination of individuals and social groups over others. (Marković, 1994, pp. 21-22). Namely, social justice excludes domination over others, and gender, as a component of social justice, indicates the basis of the distribution of what



is produced in human producer-ownership activities. In this sense, the exclusion of dominance in relationships in specific societies, as an essential element of justice and righteousness, exists also at the global level, in a global society, and it is reflected in the inability to use (appropriate) natural resources at the national level, while the state and their organizations on a global level, on the global scale. Justice and righteousness in this context should be regarded in relation to the environment, and the relation to it as “the framework of life”, while the right to a healthy environment as a “framework of life” of the human race. Created and evolving civilizations should be understood as its preservation in totality, integration and interdependence of the components from which it is composed, and accordingly should oppose all attempts to “fragment” its specific unities, in order to achieve some special interest. This attitude towards the environment and the realization of the right to its quality, as a specific unity of the “framework of life” in general, and therefore of human life and the survival of his society, in various forms of existence and on global scale, has certain technical and technological assumptions in developing creative power of man and society also in the forms of political organization. This especially occurs due to the changes in the modern multipolar and pluralistic political organization with conflicting interests of that form of organization - states, and their alliances with plenty of military conquest connotations, whose work not only interferes with the exercise of the right to a healthy environment, but often brings into question its survival as the cradle and the framework of human civilization, challenging and opposing the justice and righteousness as global categories in a globalized society.

In this way, in the modern world, two basic opposites are presented, interrelated in a certain way: on one hand the contradiction between man's creative and acquisitive power and the ability of that power to destroy the “framework of life” and realized existing human civilization and on the other hand the contradiction between the glorification of man as the mainstay of civilization and achieving justice and righteousness not only in the local boundaries, but also on a global scale. These opposites arise and condition the relation towards the right to a healthy environment.

Finding solutions to these contradictions has sought and led to a new approach in the consideration and evaluation of social development, inasmuch as it pointed out to the need for consideration of this development with and in the context of the development of producer-usurper human activity. It also pointed out to reflecting the need to preserve the environment from the standpoint of perfecting the moral man by developing and preserving justice and righteousness in these activities as essential characteristics of man as a conscious, creative and value human being. It was pointed out that the development (in particular progress) of the society should be understood and expressed in economic development, measured by producer and usurper powers of man in relation to nature, his “framework

of life”, the environment. Such development must also include the “spiritual and moral” perfection of man, because the society and economy exist for the purpose of man, and not man for their purpose. (Major, 1991, p.68).

This moral and spiritual perfection of man should be understood also as developing his sense of justice, the social justice, not only on a local but also on a global scale, especially when it comes to the right to a healthy environment, given that it is the “framework of life” of all mankind, and that each member is entitled to its preservation as a healthy environment.

In such approach to the realization of the right to a healthy environment this right gains new dimensions. First, starting from its national definition, the goal should be to ensure its protection in all segments of its existence, which are, in a way, manifested as separate, mutually dependent and related areas, such as the biosphere, the ecosphere, the technosphere and the noosphere. Ensuring such environmental protection

“requires deeper analysis of the relations that exist in the world and should exist among science, ethics and politics. If no balance is established among them, conflicts among countries will inevitably be multiplied, accompanied by the increasing poverty and reduced ability of the planet to preserve life” (Mayor, 1991, p. 39).

As historical experience has shown “in societies where fundamentalist forces are blocking the open research and discussion, in which politicians attack foreign nations or ethnic minorities in order to attract the support of special interest groups, and where commercialized mass media and popular culture force serious questions on the margins” (Kennedy, 1997, p. 372), in such societies, the right to a healthy environment is not promoted enough and usually it is exercised in a more modest and more incomplete manner. Therefore, when determining directions for the changes in society in order to achieve the forms of social organization with the aim of protecting healthy environment, it is not enough to change the form of organization or establish and promote legal norms at the micro level, but it is also necessary to reorder relations in the international community, which implies reordering the international relations in order to reflect, at the scientific basis, the consequential concept of environmental protection and its more effective protection.

### *CONCLUSION*

In recent decades, due to increasing disruption of the ecological balance, which becomes a limiting factor in social development, major focus is put on environmental protection, both in domestic and foreign scientific public and in various professions. In addition to the discussion

about the causes and consequences of man's acts and relationship to nature, as well as the knowledge about the negative effects of polluted environment on human health and the satisfaction of basic human needs that are correlated with the established basic human rights, there is more frequent pointing at the necessity of expanding the corpus of human rights with the right to a healthy environment. This right has found its place in some of the constitutions and it is considered as the third generation right.

Extending the corpus of human rights seems to be reasonable, since the exercise of the grounded rights is impossible to achieve without reviewing the situation in the environment. Namely, the right to “a standard that provides health” is impossible to achieve under conditions of impaired balance in the environment, because, as indicated by doctors, polluted natural environmental elements have multiple negative effects on human health, which leads to the conclusion that in a polluted environment it is impossible to realize this right. On the other hand, polluted environment and depletion of natural resources slows and prevents further development and questions the exercise of the right to welfare. That is, in case of violated ecological balance, effective implementation of basic human rights, the right to life, is questioned, because according to some scenarios, it is not possible to have unlimited growth on the planet that has limited space and resource. The introduction of the right to a healthy environment finds its foundation both in the Universal Declaration of Human Rights as well as in numerous international human rights treaties. Some of them are mentioned in the text, but certainly, when talking about this right, we must mention the European Convention on Human Rights, the American Convention on Human Rights, the African Convention on Human and Peoples' Rights. In addition, one should bear in mind the increase in the number of cases before the courts for human rights in relation to the environment and the initiation of the research on the relationship between human rights and the environment by the UN Human Rights Council.

The introduction of the environmental right is fully correlated with the concept of development which involves the development with respect to the legality of the environment and achieving social justice. The recognition of the links between human rights, environmental protection and sustainable development actually requires expansion of basic human rights on the one hand, and greening of legislation in the field of economic, social and cultural rights on the other hand. In this way, it would be shown that the environment is a public good, that its protection is a public interest and that it must represent the care of all the inhabitants of the planet.

## REFERENCES

- Alesković-Nikolić, M. (2007). Psihologija ideja slobode i pravde i Srpski nacionalni interes [Psychology of the idea of freedom and justice and Serbian national interest]. Beograd: Institut za kriminološka i sociološka istraživanja.
- Birne P. & Boyle, A. (2002). *International Law and the Environment*. Oxford: University Press.
- Boyle, A. (2012). Human Rights and the Environment: Where Next?. *The European Journal of International Law*, 3(23), 612–642.
- Bubanja, B.P. (2000). *Mir će biti delo pravde* [The Work of Justice Shall be Peace]. Kruševac: Istorijski arhiv.
- Carson, R. (1962). *Silent Spring*. Boston: Houghton Mifflin.
- Deklaracija Konferencije Ujedinjenih nacija o čovekovoj sredini [Declaration of the United Nations Conference on the Human Environment], 1972. <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&rticleid=1503> (Accessed: 1.7.2014).
- Fitzmaurice, M. & Marchal, J. (2007). The Human Right to a Clean Environment-Phantom or Reality?: The European Court of Human Rights and English Courts Per-spective on Balancing Rights in Environmental Cases. *Nordic Journal of International Law*, 76, 103–151.
- Kanazir, D. (1991). Budućnost nauke, činjenice, refleksije, dileme, spekulacije [The future of science, facts, reflections, dilemmas, speculations]. U: *Problemi nauke u budućnosti* (str. 9-32). Beograd: SANU.
- Kenedi, P. (1997). *Pripreme za 21. vek* [Preparation for the 21st century]. Beograd: Službeni list SRJ.
- Konvencija o pravima deteta [Convention on the Rights of the Child], (1989). Sl. list SFRJ - Međunarodni ugovori. Br. 15 (1990).
- Košutić, B. (2014). Pravo i pravda u partijskoj državi [Law and justice in a party state]. U: Hasanbegović J. (Prir.), *Pravo i pravda* (99-113). Beograd: Pravni fakultet Univerziteta u Beogradu, Centar za izdavaštvo i informisanje.
- Kreća, M. (2011). Međunarodno javno pravo [Public international law]. Beograd: Pravni fakultet Univerziteta u Beogradu.
- Major, F. (1991). *Sutra je uvek kasno* [Tomorrow is always too late]. Beograd: Jugoslovenska revija.
- Marković, D. Ž. (2009). Civilizacijsko-etička paradigma rešavanja ekoloških problema i socijalne pravde [Civilizational and ethical paradigm for solving environmental problems and social justice]. U: *Zbornik radova Filozofskog fakulteta u Kosovskoj Mitrovici* (str. 327-337). Kosovska Mitrovica: Filozofski fakultet.
- Marković, D. Ž. (2005). *Socijalna ekologija* [Social Ecology ]. Beograd: Zavod za udžbenike i nastavna sredstva.
- Marković, D. Ž. (2002). Istorijsko-civilizacijski okviri unapređivanja kvaliteta životne i radne sredine [Historical and civilizational framework of improving the quality of living and working environment]. *Pedagoška stvarnost*, 3-4, 173-180.
- Marković, D. Ž. (1998). *Socijalna ekologija* [Social Ecology ]. Moskva: Univerzitet Družba narodov.
- Marković, D. Ž. (1982). Čovek i radna sredina [A man and a working environment]. U: *Osnovi problemi zaštite životne i radne sredine*. Niš: Fakultet zaštite na radu.
- Marković, M. (1994). Raspodela moći u pravdom društvu [Distribution of power in a just society]. *Srpska politička misao* 1-4, 12–22.
- Meadows, D. H. et al. (1972). *The Limits to Growth*. London: Pan Books.

- Mesarović, M. & Pestel, E. (1976). *Čovečanstvo na raskršću* [Humanity at the crossroads]. Zagreb: Stvarnost.
- Međunarodni pakt o ekonomskim, socijalnim i kulturnim pravima [International Covenant on Economic, Social and Cultural Rights] (1966), Službeni list SFRJ. Br. 7 (1971).
- Mičačić, A. (2005). Planeta zemlja kao baština čovečanstva [Planet Earth as a heritage of humanity]. *Dani evropske kulture - zemlja naše nasleđe* (str.11-29). Beograd: Ministarstvo kulture Republike Srbije.
- Okvirna konvencija Ujedinjenih naroda o promeni klime* [Framework Convention on Climate Change], Sl. list SRJ, 2 (1997).
- Rio deklaracija o životnoj sredini i razvoju* [Rio Declaration On Environment And Development], 1992. <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm> (Accessed: 28. 8. 2014).
- Tinbergen, J. (Ed). (1976). *RIO: Reshaping the International Order: a Report to the Club of Rome*. New York: E.P. Dutton and Co.
- Univerzalne deklaracije o ljudskim pravima* [Universal Declaration of Human Rights]. (1948). Unitet Nations. <http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=src5> (Accessed: 15. 6. 2014)
- Čobeljić, N. (1991). Neki problemi i istorijski pristup privrednom razvoju [Some problems and historical approach to economic development]. *Problemi nauke u budućnosti* (str.75-100), Beograd: SANU.
- Škero Petrović V. (2014). Pravo i pravda u partijskoj državi [Law and justice in a party state]. U: Hasanbegović J. (Prir.), *Pravo i pravda* (77-87). Beograd: Pravni fakultet Univerziteta u Beogradu, Centar za izdavaštvo i informisanje.
- Vajs, A. (1965). *Razvitak civilizacije* [Development of civilization]. Beograd: Naučna knjiga.
- Vukasović, V. (2003). Međunarodnopravno regulisanje prava na adekvatnu životnu sredinu [International Legal Regulation Of The Right To Adequate Environment]. *MP*, 1, 89–93.

## **ПРАВО НА ЗДРАВУ ЖИВОТНУ СРЕДИНУ, ОЧУВАЊЕ И РАЗВОЈ ЦИВИЛИЗАЦИЈЕ**

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### **Резиме**

Све израженије нарушавање равнотеже у животnoj средини изнедрила су пре свега потребу јасног дефинисања животне средине и преиспитивање односа човека и његове активности према природи. У раду се потенцира прихватање екстензивног одређења, при чему се полази од схватања човека као природно-друштвеног бића које има активан однос према природи, те се сматра делом и творцем средине у којој живи. Истовремено се указује да активан однос човека према природи доводи до промена, а да те промене у савременој цивилизацији попримају таква обележја да се говори о еколошкој кризи која доводи у питање даљи развој, па чак и опстанак колевке људске цивилизације. Имајући у виду да се о еколошким проблемима интензивније говори од средине прошлог века,

заштита животне средине доводи се у везу са остваривањем основних људских права и указује да је без здраве/квалитетне животне средине немогуће на адекватан начин остварити ни загарантована људска права, пре свих право на живот и остваривање стандарда који обезбеђује здравље и благостање. Како су развој, социјална правда и заштита животне средине темељи новог поимања друштвеног развоја, према мишљењу аутора остваривање правде и праведности заузимају посебно место у контексту остваривања права на здраву животну средину и овог модела развоја. Мада право на здраву животну средину није саставни део права прокламованих Универзалном декларацијом о људским правима, ово право је гарантовано као уставно право у појединим државама, захваљујући усвојеним декларацијама УН, као и међународним уговорима. Сагледавајући значај заштите животне средине за даљи развој и опстанак друштва и планете, аутори сматрају да ово право треба са једне стране да буде уврштено у корпус основних људских права, али да истовремено мора доћи и до промена у националном и међународном законодавству, до тзв. озелењавања закона у области економије, социјалних права и културе. На тај начин животна средина добиће значај јавног добра, државе ће сносити пуну одговорност за непоштовање закона, а права на живот, као основно људско право моћи ће да се оствари на адекватан начин.