



# Conservation of Natural Resources and Human Right from International Law Perspective

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## ABSTRACT

The role of international law is significant in addressing these intricate matters and achieving a harmonious equilibrium between the preservation of natural resources and the safeguarding of human rights. The right to an acceptable standard of life for health and well-being, as stated in the Universal Declaration of Human Rights, is closely intertwined with the provision of clean air and water, along with sustainable resources. By prioritizing the conservation of natural resources over the protection of human rights, we can strive for a sustainable future that benefits present and future generations. Conservation of natural resources and protection of human rights are two important aspects that intersect with international law. Recognizing the importance of responsible access to and management of natural resources for human well-being, international agreements underscore the linkages between environmental protection and human rights.

**Keyword:** *Conservation, Natural Resources, Human Right, International law.*

## 1. INTRODUCTION

Natural Resources Conservation and Human Rights from the Perspective of International Law Natural resources are essential for human well-being and economic development, as they provide us with food, water, energy, and many other important resources. Nonetheless, the utilisation and inadequate governance of these resources can result in detrimental consequences for both the environment and the protection of human rights[1].

The role of international law is significant in addressing these intricate matters and achieving a harmonious equilibrium between the preservation of natural resources and the safeguarding of human rights. One of the fundamental components of this junction lies in acknowledging the crucial need of responsible access to and management of natural resources for the overall welfare of humanity. The provision of clean air and water, along with the availability of sustainable resources, is strongly intertwined with the right to an acceptable quality of life for health and well-being, as articulated in the Universal Declaration of Human Rights. This demonstrates the significance of preserving natural resources in safeguarding human rights. The incorporation of environmental sustainability emerges as an imperative element in light of the preservation of natural resources and the safeguarding of human rights[2].

The use of natural resources possesses the inherent possibility of causing environmental degradation, hence potentially impeding the fulfilment of human rights. An exemplary example

is the occurrence of deforestation, which possesses the capacity to contribute to climate change, thereby exerting a detrimental impact on the entitlement to a healthy environment, as well as the rights to life and health. The recognition of the environment's safeguarding is widely accepted as a fundamental component in the preservation of human rights, as indicated by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In addition, it is crucial to recognise the inherent entitlements of indigenous populations with regards to the conservation and sustainable governance of natural resources[3].

The United Nations Declaration on the Rights of Indigenous Peoples recognises the close relationship between indigenous populations and their lands, highlighting the importance of protecting their rights in the context of environmental conservation. Indigenous communities frequently possess traditional knowledge and customary practises that play a significant role in fostering sustainable resource management. Therefore, their rights to land, resources, and participation must be respected in international law to ensure effective conservation efforts. The equitable distribution of natural resources is another important element when considering the intersection between conservation and human rights. Many conflicts and human rights violations arise from resource extraction that provide disproportionate benefits to the few and cause local communities to become impoverished[4].

International law addresses this issue through various mechanisms, such as the Extractive Industries Transparency Initiative, which encourages transparency and accountability in extractive industries to ensure fair and equitable distribution of resources. Although international law recognizes the importance of conservation and human rights, there are still challenges in effectively implementing and enforcing these principles. Law enforcement procedures within the context of conservation activities are sometimes characterised by their relative weakness, as they might be overshadowed by the influence of political and economic interests. However, it is imperative to recognise the significant gains provided by worldwide organisations, such as the United Nations and non-governmental organisations (NGOs), in the domain of raising awareness, facilitating productive dialogues, and providing assistance to countries in their efforts to develop sustainable approaches to resource management that protect basic human rights. From an international legal standpoint, it can be argued that there exists a significant interconnection between the conservation of natural resources and the safeguarding of human rights[5].

Acknowledging the significance of attaining sustainable resources, promoting environmental sustainability, upholding the rights of indigenous peoples, and ensuring fair distribution is a crucial stride towards achieving a harmonious equilibrium between conservation efforts and the protection of human rights. International law provides a framework for addressing these complex issues, but sustained efforts are needed to ensure effective application and enforcement. By prioritizing the conservation of natural resources over the protection of human rights, we can strive for a sustainable future that benefits present and future generations.

## 2. RESEARCH METHOD

Normative research methods are an important approach used in understanding and analyzing legal issues. The focus is on evaluating what should have happened, not describing what actually happened. In the field of law, normative research plays an important role in shaping legal norms and policies. Normative research begins with the identification of a legal problem or societal problem that has legal implications. Researchers then examine existing legal frameworks, ethical considerations, and social values to determine the ideal outcome or solution. The purpose of normative research is to propose changes or improvements to existing laws and policies to achieve a society characterised by more justice and equity. Normative research methodologies possess a significant benefit in their capacity to provide guidance for legal decision-making. By analyzing the values and

principles underlying various legal systems, researchers can provide recommendations that align with societal expectations and promote justice[6].

This helps policymakers strike a balance between individual rights and the collective interests of society. In addition, normative research has the potential to address gaps or shortcomings in the current legal system. By critically examining the effectiveness and practicality of laws, researchers can suggest reforms or propose alternative approaches to solving legal problems. This method aims to bridge the gap between theoretical legal principles and their practical application in society. However, it is important to note that normative research is not without limitations. Since these relate to abstract concepts, there may be a subjective element involved in evaluating what is morally right or just. Different individuals or groups may have different opinions about the desired outcome[7].

Therefore, researchers should exercise caution and consider diverse perspectives when formulating their recommendations. In addition, normative research requires an in-depth understanding of legal principles, ethics, and social values. This requires expertise in legal theory and the ability to critically analyze complex legal issues. In addition, normative research often involves interdisciplinary collaboration, as sociological, philosophical, and economic perspectives are combined to provide a comprehensive analysis. In conclusion, normative research methods play a significant role in influencing the development and trajectory of the legal discipline. By evaluating what should happen, researchers contribute to the development of legal norms and policies that are in line with societal expectations.

Despite its limitations, normative research provides an important framework for bringing about positive change in the legal system and fostering a more just and equal society. Therefore, it is an important tool for legal practitioners, policymakers, and academics.

## 3. FINDINGS AND DISCUSSION

Conservation of Natural Resources and Human Rights from the Perspective of International Law Conservation of natural resources and protection of human rights are two important aspects that intersect with international law. Recognizing the importance of responsible access to and management of natural resources for human well-being, international agreements underscore the linkages between environmental protection and human rights[8].

The Universal Declaration of Human Rights is a seminal statement in this field, emphasising the entitlement to a satisfactory quality

of life conducive to good health and overall well-being. This right is closely linked to access to clean air and water, as well as the availability of sustainable resources. Without these essentials, individuals will be deprived of their human rights, and their overall well-being will be compromised. What's more, the United Nations (UN) has played a major role in addressing the intersection between conservation and human rights through the creating of a number of instruments. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a good example. [9].

The Declaration acknowledges the intimate and inherent connection that exists between indigenous peoples and their territories. The treaty places significant emphasis on the imperative of safeguarding the rights of indigenous populations, with a special focus on the realm of environmental preservation. Indigenous groups frequently rely on natural resources as a means of sustaining their livelihoods and preserving their cultural legacy[10].

Nevertheless, the rights of indigenous communities have been subject to historical infringements, encompassing practises such as deforestation, mining operations, and encroachments on their territory. The United Nations Declaration on the Rights of Indigenous Peoples seeks to correct this injustice by recognising indigenous communities' rights and highlighting the importance of protecting these rights in terms of environmental conservation efforts. Furthermore, international law provides for the need for an equitable distribution of natural resources. Many developing countries, which are rich in natural resources, often experience negative impacts from resource exploitation, such as environmental degradation, corruption, and social inequality. In order to tackle this issue, international law promotes the equitable and sustainable governance of natural resources, aiming to provide equal access to these resources for all irrespective of their socio-economic status[11].

Developing a comprehensive legal framework that adeptly ensures the maintenance of the environment and the protection of human rights is an intricate undertaking. This requires addressing the competing interests of various stakeholders, including governments, companies, indigenous peoples, and local populations. Finding a balance between economic development and environmental sustainability is a major challenge. International law plays an important role in providing guidelines and principles for achieving this balance[12].

The Convention establishes rules and criteria for handling of natural resources with the goal of ensuring their long-term use for the benefit of both present and future generations. Additionally,

it emphasised the importance of an inclusive decision-making process that incorporates all pertinent stakeholders, particularly the communities that are directly impacted. However, despite progress in recognizing the importance of conservation and human rights in international law, challenges remain. Implementation and enforcement of these laws and agreements are often inadequate. The effective protection of natural resources and the promotion of human rights can be impeded by a variety of factors, including insufficient resources, limited political will, and inadequate capacity. In summary, the convergence of natural resource protection and human rights within the framework of international law is a significant domain necessitating considerable scrutiny. Recognizing the close relationship between these two aspects is essential to achieve sustainable development and improve the well-being of all individuals[13].

International law offers a comprehensive framework for navigating the intricate challenges associated with the reconciliation of environmental sustainability, the rights of indigenous communities, and the equitable redistribution of natural resources. Instruments such as the International Covenant of Human Rights and the United Nations Declaration for the Rights of Indigenous Peoples exemplify this paradigm. Nevertheless, more endeavours are required to guarantee the efficient execution and reinforcement of these legislations, with the aim of really safeguarding and preserving natural resources, all the while maintaining the integrity of human rights[14].

#### 4. CONCLUSION

Conservation of Natural Resources and Human Rights from the Perspective of International Law Conservation of natural resources and protection of human rights are two important pillars of sustainable development. As the world grapples with complex environmental challenges, it is important to examine the role of international law in addressing these issues. Natural resources are essential for the survival and well-being of present and future generations. However, the exploitation and depletion of these resources poses a significant threat not only to the environment but also to human rights. Indiscriminate mineral extraction, deforestation, and pollution of water bodies have led to ecosystem degradation and displacement of indigenous peoples, resulting in violations of their rights to land, livelihoods, and cultural identity.

Natural resource conservation and management that is sustainable are effectively addressed through the utilisation of international law, which offers a comprehensive framework for this purpose. International agreements The major goal of conventions like the Convention on

Biological Diversity, the United Nations Framework Convention on the Impacts of Climate Change, and the Convention on International Trade in threatened or endangered species of Wild Fauna and Flora is to promote the preservation and equitable use of natural resources. The aforementioned treaties acknowledge the interconnectedness of environmental preservation and human rights, and underscore the significance of incorporating these considerations into policy formulation and decision-making procedures. From a human rights standpoint, it can be argued that international law affirms the entitlement of every individual to a state of well-being within their surroundings.

It is written in the Universal Declaration of Human Rights that "everyone has the right to an adequate standard of living for the health and well-being of himself and his family, including food, clothing, housing, and medical care." This encompasses the entitlement to access clean air, water, and an environment that is secure and conducive to good health. Furthermore, it is important to acknowledge that specific demographics, such as indigenous communities, possess distinct entitlements to their ancestral territories and natural assets, as duly acknowledged in the context of the United Nations Statement for the Fundamental Rights of Indigenous Peoples. In addition, international law establishes the principle of intergenerational justice, which affirms the right of future generations to inherit a sustainable environment. This principle recognizes the obligation of the present generation to protect and conserve natural resources for the benefit of the earth's future inhabitants. However, the effectiveness of international law in addressing these issues depends on the implementation and enforcement of the law by states.

There are still many challenges faced, such as weak law enforcement mechanisms, lack of political will, and conflicts of interest between the state and companies. In addition, global environmental issues require international cooperation and coordination, which can be hampered by geopolitical tensions and competing national priorities. In summary, the interdependence between natural resource conservation with the safeguarding of human rights principles is essential for the achievement of sustainable development. International law plays a crucial role in establishing a comprehensive framework to tackle these concerns and facilitate the promotion of responsible environmental stewardship. But the successful application of international law depends on the commitment and cooperation of other states and stakeholders. Efforts should be made to strengthen law enforcement mechanisms, encourage international cooperation, and raise awareness among individuals and

communities about the importance of conserving natural resources and protecting human rights. Only through collective and concerted efforts can we guarantee a sustainable future for the environment and humanity.

## REFERENCES

- [1]. Qasthary A, Muttaqien A. Water Pollution Control Policy In Nepal And Indonesia. *Jurnal Sains Riset* [Internet]. 2022;12(3):612. Available from: <http://journal.unigha.ac.id/index.php/JSR>
- [2]. Hukum Lingkungan Hidup dan Sumber Daya Alam D, Jazuli Pusat Pengkajian dan Pengembangan Kebijakan A. *Dinamika Hukum Lingkungan Hidup Dan Sumber Daya Alam Dalam Rangka Pembangunan Berkelanjutan (The Law Dynamics on the Environmental and Natural Resources in order to Sustainable Development)* [Internet]. Available from: [http://www.researchgate.net/profile/Agus\\_](http://www.researchgate.net/profile/Agus_)
- [3]. Rahadian Ah. *Strategi Pembangunan Berkelanjutan. Prosiding Seminar STIAMI*. 2016;III(01).
- [4]. Meyresta Wijaya L, Iqbal Fasa M. *Etika Pengelolaan Sumber Daya Alam Berkelanjutan Dalam Perspektif Islam*. *Jurnal Dinamika Ekonomi Syariah* [Internet]. 2022;9(2). Available from: <http://ejurnal.iaipdnganjuk.ac.id/index.php/es/index>
- [5]. *Pengembangan Sistem Pertanian Berkelanjutan untuk Mencapai Keberlanjutan Pangan*.
- [6]. Baztan J, Bremer S, da Cunha C, De Rudder A, Jaffrès L, Jorgensen B, et al. Local representations of a changing climate. In: *Water and Climate Change: Sustainable Development, Environmental and Policy Issues*. Elsevier; 2022. p. 343–63.
- [7]. Eaton WM, Brasier KJ, Burbach ME, Whitmer W, Engle EW, Burnham M, et al. A Conceptual Framework for Social, Behavioral, and Environmental Change through Stakeholder Engagement in Water Resource Management. Vol. 34, *Society and Natural Resources*. Routledge; 2021. p. 1111–32.
- [8]. Kadir Jaelani A, Gusti Ayu Ketut Rachmi Handayan I. Regulation of Regional Government on Halal Tourism Destinations in West Nusa Tenggara Province after Constitutional Court Decision Number 137/PUU-XIII/2015. 2019.
- [9]. Groenfeldt D. Workshop for Water Ethics Colloquium Musée d'Histoire des Sciences de Genève Using the Human Right to Water as an Entry Point for a Comprehensive Water Ethics Water-

- Culture Institute 2 [Internet]. 2022. Available from: [www.waterculture.org](http://www.waterculture.org)
- [10]. Famela A, Al Model Pengelolaan Sumber Daya Air E, Famela A, Jaka Santos Adiwijaya A, Surachman A, Djuanda Bogor Korespondensi U, et al. Model Pengelolaan Pendayagunaan Sumber Daya Air Pada Usaha Air Minum Dalam Kemasan (Amdk) Di Indonesia The Model Of Utilization Of Water Resources In Bottled Water Business In Indonesia. Vol. 12, Jurnal Living Law. 2020.
- [11]. Fauziah SS. Intergrasi Politik Hukum Islam Dalam Pengelolaan Sumber Daya Air Di Indonesia Makalah Diajukan untuk memenuhi tugas ujian akhir semester mata kuliah Politik Hukum Islam. 2022.
- [12]. Setiawan A, Utama YJ, Lisdiyono E. Social Justice And Water For All: Constructing A Local Legal Framework For A Good Governance. Article ID: IJCIET\_11\_01\_023 International Journal of Civil Engineering and Technology [Internet]. 2020;11(1):209–16. Available from: <http://www.iaeme.com/ijci-et/issues.asp?JType=IJCIET&VType=11&IType=1><http://www.iaeme.com/IJCIET/index.asp210http://www.iaeme.com/IJCIET/issues.asp?JType=IJCIET&VType=11&IType=1>
- [13]. Chaminé HI, Abrunhosa M, Barbieri M, Naves A, Errami E, Aragão A, et al. Hydrogeoethics in sustainable water resources management facing water scarcity in Mediterranean and surrounding regions. Vol. 3, Mediterranean Geoscience Reviews. Springer Science and Business Media B.V.; 2021. p. 289–92.
- [14]. Alsa B, Priyambodo D, Dinda G. Implementasi Kebijakan Pemerintah Dalam Pengelolaan Daerah Aliran Sungai Terhadap Aktivitas Alih Fungsi Lahan. Reformasi Hukum. 2023 Apr 30;27(1):1–13

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