

ABSTRACT

This thesis analyses the Right to a Healthy Environment (RHE) and identifies the added value of rights-based approaches (RBAs) in the broader context of sustainable development. It focuses particularly on the requirement for ‘meaningful participation’ and how a rights-based approach can provide a means to reconcile environmental protection, social development and economic activities.

There is an existing consensus over the strong connection between human rights and the environment, but different approaches are used to advance environmental claims in the current human rights framework. Regional approaches have been particularly helpful in contextualizing environmental claims, and adopting different rights-based approaches to environmental protection. Current debates indicate an inclination towards the adoption of the procedural approach, consisting in environmental access rights to information, public participation and justice.

The country context of Panama illustrates the opportunities and limitations of the procedural approach to issues of environmental contestation. An in-depth examination of the processes and outcomes of environmental decision making in four major development projects indicates that the procedural approach cannot deliver substantive outcomes as it stands. This points to a fundamental failure of current RBAs to address environmental protection and sustainable development.

‘Meaningful participation’ is identified as being core to the RHE, but it lacks efficacy within the procedural approach. Public participation has a role in democratizing environmental decision making, but it is also important for promoting rights interdependence, transparency and accountability, and ensuring just distribution of benefits and burdens. The research elaborates on the nature of RBA to the RHE, identifies criteria for procedural rights, and offers a ‘4 A’s’-based approach to public participation processes in environmental decision making. This research suggests a more expansive interpretation of the RHE that looks to solidarity rights, marking a complementarity with the Right to Development and the recovery of rights indivisibility.