

LL.B VI SEMESTER

THIRD GENERATION OF HUMAN RIGHTS (COLLECTIVE RIGHTS)

Third-generation human rights are those rights that go beyond the mere civil and social, as expressed in many progressive documents of international law, including the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development, and other pieces of generally aspirational "soft law".

The term "third-generation human rights" remains largely unofficial, just as the also-used moniker of "green" rights, and thus houses an extremely broad spectrum of rights

In this category we can identify the so called solidarity rights, rights which can not be exerted only by an individual, but only collectively, like:

- Right to self-determination
- Right to economic and social development
- Right to a healthy environment
- Right to natural resources
- Right to communicate and communication rights
- Right to participation in cultural heritage
- Rights to intergenerational equity and sustainability
- the right to peace

These rights have a positive consecration, generally in international law. The rights in this category can not be exerted individually, but only by groups or collectivities of people. The third generation rights require not only the need to create an institutional support by the State, but, as in the case of second generation rights, they need to restrict the first generation of rights, through a so called "positive discrimination", in the sense that these rights, like the rights of any minority, require a limitation of rights of first generation. The environmental law allows social groups to live in a healthy environment, clean, without harmful agents to health but, in the same time, involves a number of limitations of rights of first or second generation, like owning a forest or the right to work

Interestingly, regarding the right to environment is the jump which tends to do to the legal status of human beings, hypostasis in which environmental law would become a science of law, fundamental, subordinating all other branches of legal

science. The doctrine about the environmental right, talks about these rights as “rights of future generations”. We appreciate that they should be seen within the tendency of assertion of the rights of the fourth generation of rights, because right now, the rights of future generations are only some developments trying to crystallize in the form of solidarity rights.