



## The right to access electricity in the framework of the international human rights system

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### Abstract

The current evolution of the human lifestyle in the present era has had a significant impact on human needs and rights. The emergence of new phenomena such as means of mass communication and various strategies to improve the economic situation has overshadowed human rights and made some of them dependent on electricity. Exercising the right to education during the COVID-19 pandemic due to the spread of virtual education; Access to television and the Internet to find out about the current news and industrial activities is among the examples where electricity is effective. According to the approach of international organizations and governments about development, electricity has become more important than in the past, because the implementation of the right to development as an example of the third generation of human rights has a significant dependence on energy (electricity). Therefore, any challenge in energy security is considered an obstacle to the development plans of governments and international organizations.

Although electricity is essential for human rights implementation, it is crucial to pay attention to it with an approach that adheres to environmental standards. Thus, the authors with a descriptive and analytical approach, while investigating the impact of electricity in exercising rights related to the three generations of human rights and the feasibility of considering the right to access electricity, also analyze it in the form of international environmental law. Adopting this approach is necessary due to the unavoidable ecological effects associated with electricity production to achieve desired development patterns. Hence, this research suggests to the policymakers that in addition to making appropriate policies in the field of energy to provide the desired electricity for different parts of the society regarding environmental regulations and standards in every phase of power generation projects.

**Keywords:** Right to access to electricity, international human rights system, international environmental rights, Energy Law

### Introduction

The change in people's lifestyles is one of the effects of industrialization. With the increase in the number of industrial activities, the improvement of the economic situation, the increase in the level of well-being and the use of technology, human needs, and consequently his rights also moved away from the previous status. Many human activities in this century rely on electricity, in such a way that a power outage, even for a short period, will have negative effects on the current life, which include disruption in the metal supply change process. It should be noted that this status will lead to challenges like the reduction of construction activities <sup>[1]</sup> and the unemployment of construction workers. Moreover, use of electricity in the home sectors' activities such as heating, cooling, cooking, and lighting highlighted the energy access. <sup>[2]</sup>

It is undeniable that electricity is vital to the current generation's life, and more precise evidence proves that it is more important than other common energies. To generate electricity, it is necessary to utilize either fossil fuels like natural gas and coal or renewable energy sources. On the other hand, electricity has a significant impact on the daily life of people in the present era, which can be used as an example to meet the needs of industries, educational centers, and residential areas, and to achieve the goals of sustainable development, which is in the form of the right to development, which belongs to the third-generation human rights. This claim demonstrates the significance of electricity in the human rights system.

Therefore, electricity can be seen from two viewpoints. First, as a way to exercise human rights and a valuable commodity that is obtained as a result of the use of other energies. From the second point of view, electricity has a special position in the energy rights system, because one of the concerns of policymakers is to choose a suitable way to produce electricity through energy conversion, which is faced with challenges such as increasing the price of energy. Furthermore, environmental approach must be taken into consideration when generate electricity. The significance of electricity in people's lives and its role in exercising human rights cannot be overlooked, but its production methods and environmental effects should also be considered. Therefore, the Electricity generation at any price may be an answer to some human rights, but the negative environmental effects caused by the conversion of fossil fuels into electricity, air pollution, and the destruction of animal ecosystems must be regarded.

Hence, questions are raised in this research are listed as: Access to electricity is effective in exercising which of the human rights? Would it be deemed a human? If the answer is affirmative, which generation this human right belongs to? It is a right, is there a legal sanction for the government and sometimes active private sectors in the electricity industry that violate this right of citizens? Can an environmental and human rights approach incorporate the right to access electricity?

To answer the above questions with adopting an approach based on the convergence of human rights, environmental

rights, and energy rights, in the first step, the authors examine the access to electricity for the exercise of common human rights in three generations. With the recognition of the right to access to electricity, the legal sanction of this right is studied, because it should be clarified whether the actors of the electricity industry and governments are responsible for the disruption of access or the deprivation of society from this energy or not. Then, the typical methods of generating electricity from energy sources are mentioned with an approach based on energy rights, and finally, each of these methods is evaluated with two approaches arising from environmental and mixed rights.

### Access to Electricity to Exercise Human Rights

In the current approach, human rights are recognized in a threefold model and under titles such as the first, second, and third generation of human rights, which are respectively civil and political rights; Economic, social, and cultural rights and solidarity rights have become eminent. Rights such as the right to life, the right to freedom of expression, the right of access to information, and the right to vote are examples of the first generation. The right to education, the right to work, the right to enjoy adequate housing, and the right to health care as cases of Economic, social, and cultural rights, the right to development, the right to a healthy environment, and the right to peace are among the rights of solidarity.

Jurists believe that the government's intervention or role-playing distinguishes each generation of human rights. "Non-intervention of the government and prevention of human rights violation"<sup>[3]</sup>; "Government intervention and support"<sup>[4]</sup> in the first and second generations and "cooperation of individuals at the domestic level and cooperation of governments at the international level" are expected in solidarity rights.<sup>[5]</sup> To determine the role of electricity in exercising human rights, it is important to act in accordance with the division mentioned.

#### A. First Human Rights Generation

The right to life can be supposed as the most important right among civil and political rights, because the exercise of all human rights depends on human survival, and in the case of his death, most of the rights of a person are not implemented. The sixth article of the Covenant of Civil and Political Rights defines this right as an inherent right of a person that "shall be protected by law". In general, to examine this right, it is essential to point out two basic aspects of the right to life, which are respectively named the right to life and the right to live which are based on two concept as negative and positive rights. It should be noted that the right to live, as a negative right, clarify the necessity of refraining the government and citizens from violating it. On the other hand, the right to life, which is regarded a positive right, requires the significant role of the government as the only powerful person at the national level to guarantee it. As *Qari Seyyed Fatemi* stated, the right to life is supposed as a dual right which required the government, as the main oblige in this human right, to guarantee the human rights, not to allow any human rights violation, and taking positive measures to secure the lives of citizens.<sup>[6]</sup>

The government has been playing this role by policy-making to establish a holistic health system for all citizens. Despite the development of medical science, diseases such

as Covid-19 pandemic have still endangered the health of citizens and in other words, the right to life, which revealed the necessity of benefiting from medical services in hospitals. The dependence of the activities of hospitals and medical equipment on electricity is so great that the possibility of power outage, even for a short period, is unimaginable. To confirm this claim, authors can refer to a report from the World Health Organization, which it discussed the reliance of equipment such as vaccine refrigerators, laboratory equipment, lamps, and cooling and ventilation systems on electricity.<sup>[7]</sup> Furthermore, this international organization highlighted the importance of investing in renewable energy to provide the required electricity.<sup>[8]</sup> Serious challenges in the past years, which arose simultaneously with the power outages in summer and the COVID-19 pandemic, reveal the significance of electricity in providing medical services to patients to guarantee their right to life.

#### B. Second Human Rights Generation

The right to education is a common example of economic, cultural, and social rights. Education is considered to be a fundamental right that can lead to the development of human talents. All human rights are dependent on education, and people who are not aware of their rights are doomed to destruction and annihilation. The most important characteristic of a human being is his power of thinking, rationality, and creativity, which relies on guaranteeing the "right to education" that empowers humankind and his/her creative power and will lead to the realization of his other intellectual, spiritual and even material rights».<sup>[9]</sup>

Due to the COVID-19 pandemic, government-imposed restrictions such as the closure of face-to-face education in schools and universities and virtual education played a significant role in international education system. Optimal virtual education is dependent on the Internet and devices such as computers and mobile phones, and both of these require electricity, and the lack of access to electricity in some places has deprived students of appropriate education.<sup>[10]</sup> UNICEF also stated in a report in 2020, that one of the challenges of virtual and distance education is not having access to electricity.<sup>[11]</sup>

#### C. Third Human Rights Generation

The right to development has been viewed as a type of solidarity rights. According to one of the proposed definitions of the right to development, it is "the right to a process of development that includes the gradual achievement of all human rights such as civil and political rights and economic, social and cultural rights, as well as the process of economic progress by the standards are considered human rights."<sup>[12]</sup> For years, humans have been striving to achieve development as an ideal. The Western colonizers were primarily motivated by economic development, which was the driving force and motivation behind this concept for a while.

One of the results of this kind of development can be considered the Industrial Revolution, which was realized through the changes in British society in the eighteenth and nineteenth centuries.<sup>[13]</sup> Undoubtedly, energy played a unique role in this great achievement in the Western world, because the steam engine as an invention of James Watt, had an undeniable impact on the English industry, over coal as an example of fossil fuels was doing.<sup>[14]</sup>

Hence, the production and design of electricity distribution networks were noticed by Westerners, and gradually relying on this valuable energy, a new chapter was opened for industries in the second wave of the industrial revolution and economic development from now on. Researchers highlighted the importance of electricity in advancing the industrial goals of BRICS countries including Brazil; Russia, India, China, and South Africa point out that they are among the emerging economic powers following the path of developed countries mainly in Europe. <sup>[15]</sup>

Until 1983, few people considered other aspects of development, until at this time and due to environmental crises, a report titled "Our Common Future" was presented at the conference of the World Commission on Environment and Development, which introduces other dimensions of development for policymakers, because it emphasized the necessity of regarding the future generations and avoiding the unlimited use of existing resources. <sup>[16]</sup>

Moreover, it is possible to point out the new approach of the governments in the national visions to renewable and clean energy to achieve the goal of environmental protection in Qatar National Vision 2030 <sup>[17]</sup> and Saudi Arabia Vision 2030<sup>[18]</sup>. Researchers have observed this approach, and numerous studies have been conducted on the relationship between energy and sustainable development, as well as a new concept called sustainable energy. The common point of all research and documents is the necessity of energy transition from fossil fuels to renewable energies, and Dr. Faith Birol as one of the executive directors of the International Energy Agency in a report emphasized the importance of energy in achieving the sustainable development goals (SDGs). <sup>[19]</sup>

Reaching the desired economic level and achievement of considerable number of SDGs, such as those included in the UNESCO 2030, providing safe and sanitary drinking water, improving the health and education system, coping with environmental crises such as climate change, depending on the production of electricity. Due to this undeniable importance, developed and developing countries have invested in the electricity sector and its supply through renewable energy. This revision in energy policy and the reduction or elimination of the role of fossil fuels in electricity supply tie to the fossil fuels pollution. <sup>[20]</sup> For example, India as one of the emerging economic powers, which is competing with economic superpowers such as China and Western countries, has adopted environmental approaches in providing sufficient electricity from solar and wind energy. <sup>[21]</sup> This policy, which was determined in the form of the National Electricity Plan by the Ministry of Power, while paying attention to the country's rapid economic growth and increasing dependence on electricity, focused on providing the required electricity through emphasized renewable energies. <sup>[22]</sup>

### **Is Access to Electricity a human right?**

It is now necessary to answer the question that is access to electricity a human right? To respond this, it is crucial to look up international and regional human rights documents and country constitutions. Among the international human rights documents, the Convention on the Elimination of All Forms of Discrimination against Women approved on December 21, 1965 stipulated in Article 14 that member states must take into account the specific problems of rural women to ensure their enjoyment of rights such as to benefit

from suitable living conditions in the areas of housing, health, water and electricity, communication and transportation. The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, approved on November 17, 1988, is another document stated in article 11, "Everyone shall have the right to live in a healthy environment and to have access to basic public services."

To interpretation of these articles, it should be noted that the Convention on the Elimination of All Forms of Discrimination against Women considered the right to access electricity as the right of only a part of women, and not all human beings. For this reason, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights can be considered complete and states that if access to electricity is considered one of the public services, every person has the right to access electricity as one of the human rights, but this document is regional and cannot be regarded to include people from other regions.

The question remains. Although access to electricity and energy is not explicitly considered a human right in international and regional documents, one of the researchers writes, "Among other emerging examples of the third generation of human rights is the right to have energy" <sup>[23]</sup> In addition, another researcher, referring to paragraph one of Article 11 of the International Covenant on Economic, Social and Cultural Rights, which stipulated that "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions", suggests that it is better to consider access to electricity as an example of human rights through a consultative theory. <sup>[24]</sup>

To be able to name access to electricity as one of the examples of the third generation of human rights, it is necessary to indicate an important point. The beneficiaries and obliges of the rights related to the first and second generations of human rights are each person and government, respectively. This is even though this issue has not been clarified regarding the rights of the third generation. The third generation's rights are purely theoretical, not actual. <sup>[25]</sup> For this reason, one of the researchers states it would be more correct that the rights of the third generation, not as real rights; Rather, the agreed goals should be defined that the international community is committed to follow and {they can be considered as guiding principles} that the international community should follow in order to achieve policies related to human well-being and their implementation. <sup>[26]</sup> So, access to electricity, can be considered as an example of the third generation of human rights, not as an independent right; Rather, it is regarded government's duties in the present era and complementary to the rights of other generations.

### **Guarantee of the right to access to electricity**

Rights and duties are the two sides of the same coin. As access to electricity is a human right, other citizens and the government are obligated to respect it. Furthermore, the government must ensure that this right is protected. Is it possible to face legal consequences for violating the right to access electricity? Are those involved in electricity

production, transmission, and distribution responsible for any disruption or deprivation of people's electricity access?

To answer this question, authors must search for the word 'consumer' in the documents. United Nations Guidelines for Consumer Protection 1985 in the first part, which is named goals, declared one of the aims of this document to help countries reach or protect their citizens, under the title of consumer. Furthermore, the eleventh, twelfth, and thirteenth article of the International Covenant on Economic, Social and Cultural Rights 1966 implies consumer protection.<sup>[27]</sup> Another researcher who considered consumer rights as an example of human rights believed that the government must guarantee these rights.<sup>[28]</sup>

If electricity is a good or a service, the government can be committed to guaranteeing the consumer's access to electricity. Harmonized Commodity Description and Coding System considers electricity as goods under the 27160000 codes. Moreover, the Massachusetts Appeals Court in 2009 and the Bankruptcy Court for the District of Massachusetts regard electricity as good under the UCC.<sup>[29]</sup> It seems that electricity should be considered a commodity, because the commodity includes all objects and materials in solid, liquid, and gas states, and different forms of energy, such as oil and gas have been interpreted as commodities.

### **The Right to Access Electricity and Environmental Protection**

The right to a healthy environment is considered one of the examples of the third generation of human rights, and determining its relationship with other human rights, such as the right to energy and economic rights, has always been one of the challenges. Hence, questions about the interaction or conflict of energy rights and international trade rights with the environment have been raised. In this research, authors should also address the relationship between electricity, which is one of the examples of energy, and the environment. For this purpose, in this section, after mentioning the common methods of electricity production, the negative environmental effects of each of them will be mentioned.

#### **A. Methods of Producing Electricity from Common Energies**

Different energies can be divided into two type's independent and secondary energies. In the first part, energies such as oil, gas, and coal can be used both as independent goods and are used in the production of other items. For example, fossil fuels can be utilized directly for heating, cooking, and transportation, or they can be used to produce materials such as gasoline and plastic. Another type of energy, which is known as secondary energy, is obtained from other energies, and electricity can be considered among this type of energy. For this reason, the importance of electricity is revealed, because any disruption in independent energy has a direct effect on electricity and, as a result, human rights. For this purpose, it is vital to address the ways of converting energy into electricity.

#### **1. Fossil Fuels' Conversion to Electricity**

As the first solution, the use of fossil fuels for electricity production was proposed and today it can be considered a common method for electricity production. Steam power plants are considered one of the most important thermal power stations that convert fossil fuels into thermal energy

then convert thermal energy into mechanical energy and in the last step, convert mechanical energy into electrical energy.<sup>[30]</sup> According to the reports in 2021, in China, the United States of America, Russia, the Middle East region, the European continent, India, and Iran, respectively, 5642 terawatt hours of electricity, 2692 terawatt hours of electricity, 710 terawatt hours of electricity, 1134 terawatt hours of electricity, 1479 terawatt hours of electricity, 1338 terawatt hours of electricity, and 338 terawatt hours of electricity were produced from fossil fuels.<sup>[31]</sup> The reliance of this power plant on fossil fuels and the serious challenges associated with this type of non-renewable energy have raised doubts about the efficiency of this method of electricity production. Uncertainty about the future of fossil fuels and oil crises at different times when, like the oil war of the kings of the Middle East against the West and Israel<sup>[32]</sup> and the Covid-19 disease, the challenge has created serious problems for this method of electricity production.

#### **2. Converting Water into Electricity**

The second most popular method of electricity production can be considered the use of hydroelectric power plants, which depend on the abundant water like a huge dam. Although advantages such as water storage, preventing floods, and providing tourism have been considered, their disadvantages should also be considered. Disadvantages such as the high cost of installing a hydroelectric power plant on the dam, the long duration of the construction of the dam and the installation of the hydroelectric power plant, and excessive reliance on water, which will lead to problems in case of water shortage, are examples of the disadvantages of this production method.

#### **3. Converting Wind into Electricity**

After fossil fuels and water energy, wind energy plays a significant role in electricity production for many years. The geographical characteristics of some areas indicate the use of potential capacity as wind energy. Australia, which is a good place to use this type of energy due to its strong winds, and the report of the National Energy Advisory Committee in 1981, stated that there are many sources of wind energy in some coastal areas that can produce 4500 kilowatt hours of electricity.<sup>[33]</sup> Today, wind turbines play the role of converting wind energy into electricity. Despite regarding wind energy clean, disadvantages such as the high cost of creating wind power plants compared to power plants that work with fossil fuels, the non-permanence of wind blowing and the remoteness of windy areas from cities have been mentioned for it.

#### **4. Converting Solar into Electricity**

Solar energy is an unlimited source of energy and some regions can use this abundant capacity, and the Middle East region is considered among these regions due to its geographical conditions. For example, the United Arab Emirates, which with 350 sunny days a year, is considered the best place to convert solar energy into electricity.<sup>[34]</sup> In addition, the geographical location of Iran has made it an appropriate place to benefit from solar energy, "so that the average annual solar radiation in this country is 20 to 30 Megajoule per square meter. The amount of radiation even in the central regions of Iran is higher than this amount.<sup>[35]</sup> In the solar power plants, using technologies such as photovoltaic cells and solar energy, they heat a liquid to use

its steam to move the turbine to generate electricity. <sup>[36]</sup> The need for an immense investment and the possibility of unavailability of solar energy on cloudy days have yielded doubts about this method of electricity production.

### 5. Converting Nuclear Energy into Electricity

Through processes such as fission and fusion, as a considerable amount of energy is released from the nucleus of an atom, "nuclear reactors allow this energy to be slowly converted into electricity in a continuous chain reaction". <sup>[37]</sup> Due to the uncertainties about fossil fuels, policymakers have adopted a new approach towards the use of nuclear energy to meet needs such as electricity generation, which emphasizes the role of uranium, which has a lot of energy. <sup>[38]</sup> Among the active countries in this field, France, which according to one report, provides about 70% of its electricity needs through nuclear energy. <sup>[39]</sup>

### B. Methods of Electricity Production and its Relationship with the Environment

According to what was stated in the previous paragraphs about energy conversion methods, there are different ways to produce electricity, some of which, like the common way of using fossil fuels, will have negative effects on the environment. From the perspective of environmental rights, authors look at the issue of access to electricity by adopting two approaches.

#### 1. An Environmental Approach

One of the existing challenges is the kind of relationship between energy rights and environmental rights because there have always been disagreements about the existence of interaction and conflict between these two. One viewpoint highlights the necessity of considering environmental regulations when producing energy, and the other considers this attention costly. In general, the common denominator of legal branches with economic aspects, such as international trade law and energy law, is the emphasis on the non-interference of the government to achieve goals such as the free market. Therefore, the environmental regulations issued by the government are regarded an obstacle to the achievement of this goal. This is even though in the first approach, the role of the government as the only powerful legal entity in the defense of the environment is necessary. Electricity supply is also one of the controversial issues between these two legal fields. On the one hand, energy rights seek to ensure the supply of electricity needed for various sectors such as industrial, commercial, residential, and agricultural to exercise the human rights related to the first and second generation and the right to access electricity of citizens, and on the other hand, Environmental rights emphasize the need to pay attention to environmental rules and standards to prevent damage to the environment.

The first concern of environmental rights regarding the conventional methods of electricity production pertains to the use of fossil fuels. Pollution caused by fossil fuels has become an undeniable fact that will bring consequences such as air pollution. The abundance of thermal power plants in Iran, which "constituted more than 83.17% of the country's active power plant capacity in 2015 with a nominal capacity of 61,625 Megawatts, "[40] caused environmental challenges.

Despite the mentioned advantages of producing electricity from water energy, environmental disadvantages are also

conceivable for it. The destruction of marine plants inside the dam, the reduction of the population of marine organisms, the spread of malaria and the prevention of the flow of mud full of nutrients to the agricultural lands <sup>[41]</sup> are examples of these environmental effects. Despite the renewable nature of wind energy, its negative environmental consequences cannot be ignored, some of which include: noise pollution, visual pollution <sup>[42]</sup>, soil erosion, and the destruction of biodiversity. Like other renewable energies, solar energy should be noted as a clean and completely environmentally friendly energy, but the reality is different. The use of related equipment to absorb solar energy and convert it into electricity has consequences, for example, it can hurt plant and animal habitats due to occupying a lot of space and releasing mercury as a part of photovoltaic cells, which is considered a toxic waste. <sup>[43]</sup>

Nuclear energy, which has been proposed for some time as a solution to reduce environmental pollution caused by fossil fuels, has far more dangerous environmental effects than fossil fuels. The possibility of explosion, nuclear waste, and the release of hot water that can damage the ecosystem <sup>[44]</sup> are mentioned as negative consequences of nuclear energy. One of the unfortunate events can be considered the Three Mile Island incident that took place on March 28, 1979. According to the report issued by the International Atomic Energy Agency, due to errors in the equipment related to the nuclear power plant, a part of the main core of one of the units of the power plant melted and a lot of radioactivity was released. <sup>[45]</sup>

Thus, to solve these concerns, international documents such as The Convention on Early Notification of a Nuclear Accident, adopted in 1986, The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, adopted in 1986, and Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, adopted in 1997. The first two documents were approved after the second nuclear disaster, Chernobyl. The first convention required states to report on the location and time of the accident and any radioactive waste management facilities referred to in Article 1. Article 1 of the second convention emphasized the need for cooperating to fulfill the obligations of this document, such as reporting to the International Atomic Energy Agency. Finally, the convention that was approved in 1997 had stipulated in the fourth article that "Each Contracting Party shall take the appropriate steps to ensure that at all stages of spent fuel management, individuals, society and the environment are adequately protected against radiological hazards".

#### 2. New Approach

Considering energy rights and methods of converting energy into electricity can be done with a human rights approach. The first dimension is solely focused on human rights. First of all, authors mention the Three Valleys Dam in the Yangtze River in China, which was built to establish the world's largest hydroelectric power plant from 1997 to 2012 and can produce 22,500 Megawatts of electricity and seventeen percent of China's electricity. Numerous areas of the region's inhabitants were flooded by this massive project. <sup>[46]</sup> The challenge is just beginning. If this massive dam breaks, 13 cities, 140 small towns, and more than 1,300 small villages will be submerged, forcing more than two million people to leave some of China's best and richest

farmland." [47] Therefore, such power plants, both initially and for construction, and in case of destruction during construction or after opening, flooded the lands of the natives and displaced the native people. Immigration will be enforced, which is seen as a breach of the rights of the region's natives. The 10 articles of this Declaration stipulated that "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return".

A human rights-based approach can be used to address environmental issues related to energy production methods. One of the human rights that belong to the third generation is the right to a healthy environment. Stockholm Declaration 1972, Stockholm affirmed the right to a healthy environment. This declaration indicated the right to a healthy environment, as a human right. In the event of a conflict among the energy rights of citizens, their economic rights, and the right to a healthy environment which can be preferred over another? It seems that the answer is no. So, it is necessary to search for appropriate solutions to pay attention to all human rights to prevent any conflict among the rights of the three generations.

Governments and international organizations are able to play a role in international and national areas, because they have the power to act as legal entities. As measures have been adopted so far, such as the conventions pertain to the reduction of concerns related to nuclear energy, some of which were also mentioned, it is vital to apply these measures to other active energies in the field of electricity production. For example, all aspects of human and environmental rights such as the right of the natives to live in the area and the animal and plant ecosystem around the dam can be regulated by legislation. In addition, national organizations such as the Ministry of Energy or Power should also pay attention to environmental effects, and permit any project by applying strict criteria. Therefore, with this new approach, while regarding human rights, a healthy environment can be construed as a fundamental right for all that cannot be violated.

### Conclusion

Access to electricity is a vital issue that is not considered except in period of crisis such as power outages for a short or long period, the occurrence of disasters such as war, and disease epidemics such as the spread of the Covid-19 pandemic. This research showed that the exercising of some human rights in three generations, especially the right to development, which today is one of the most important goals of international organizations and governments, respectively, in international documents and national plans is considered dependent on access to electricity, and according to this role, referring to some international and regional documents, it is possible to construe access to electricity as a right in the third generation of rights.

After that, this research examined the common methods of electricity production in the world, while referring to technical points, and international documents. The final step focused on environmental rights and highlighted the environmental disadvantages of each electricity production method. In this research, in addition to the common environmental approach, the issue of electricity production

as a matter of energy rights was also studied with a human rights approach and some points were discussed. For example, the production of electricity through water energy and the creation of hydroelectric power plants violates the rights of the natives to live in the region and force them to leave their agricultural lands and migrate. On the other hand, because the right to a healthy environment belongs to the third generation of human rights, it was stated that the exercise of any human rights, such as the right to education, the right to work, and even the right of citizens to access electricity, does not take precedence over the rights of the environment and it is necessary to pay attention to all the environmental disadvantages of the methods of electricity production.

National organizations such as the Ministry of Energy and Power, before issuing a license for wind power plants, should pay attention to the animal and plant ecology and the distance of the place for the establishment of the power plant from the cities, sound, and visual pollution. Therefore, this research examined all renewable energies' advantages and disadvantages and their negative environmental effects must be regarded, due to the importance of the right to a healthy environment as the third human rights generation. All human rights, namely the right to energy, are important, and without a healthy environment, it is impossible to exercise these human rights.

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