

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

ENVIRONMENTAL PROTECTION OF HUMAN RIGHTS

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

Goals and objectives of course

The main purpose of the course is to make students acquainted with the categorical apparatus that allows to describe the environmental rights integration problem within three generations of human rights, as well as formation and development problems of environmental human rights as a separate legal category; thereupon, to introduce students various sources of regulatory and doctrinal nature; to give an idea of the various legal remedies and observance of environmental human rights at national and international levels. In the presentation of the course the basic concepts of the public international law, the international human rights law and the international environmental law are used.

Position of course in *curriculum*

The course shows the formation and development stages of such area as protection of environmental human rights. The course is delivered as subject to be selected in second semester. The volume of the course is 3 ESTC credits.

№	Competences	Previous disciplines	Subsequent disciplines
Professional competences			
1	the ability to competently apply legal acts in specific areas of legal activities, to implement the norms of substantive and procedural law in professional activities (PC-2)	International Law and Development Protection of Human Rights in the UN System The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law
2	able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals	International Law and Development Protection of Human Rights in the UN System The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law

	(PC-3)		
3	able to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4)	International Law and Development Protection of Human Rights in the UN System The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law
4	able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5)	International Law and Development Protection of Human Rights in the UN System The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law

Requirements for the results of the course

The graduate should have the following professional competences (PC):

the ability to competently apply legal acts in specific areas of legal activities, to implement the norms of substantive and procedural law in professional activities (PC-2);

able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3);

able to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4);

able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5).

As a result, student must:

To know:

- The degree of negative impact of globalization on the state of environment;

- The basic theoretical problems of modern international environmental law;
- The basic doctrinal approaches to various theoretical problems of modern international environmental law;
- Ways and means to prevent, overcome and resolve international legal problems of a global nature, adversely affecting the international legal order.

To be able to:

- Free to operate the basic categorial apparatus;
- Assess the effectiveness of the UN chief to address the problems within their competence;
- Predicting the UNEP to further the progressive development of international environmental law;
- To propose concrete steps for the application of regulatory and institutional capacity of the UN system to resolve global problems;
- Specify the path to improve the national legal resources on the implementation of international commitments of the national legal system.

Be skilled in:

- Work with the system of websites UN, the UN Library, UN University, UN specialized agencies, regional intergovernmental organizations;
- Work with international legal acts adopted on important aspects of maintaining international peace and security;
- Analysis of recent court decisions and the International Court of Justice of the European Court of Human Rights, the legal community perceived ambiguously.

The volume of course and types of activities

Type	Total hours	Module	
			5
Total classes workload	18		18
Lectures			
Classes	18		18
Independent work	90		90
Volume, hours	108		108
Volume, credits	3		3

Contents of course

Part I. INTERNATIONAL LEGAL INSTITUTE OF ENVIRONMENTAL HUMAN RIGHTS: THE PLACE IN THE SYSTEM OF INTERNATIONAL LAW

The coordination of public international law branches (international environmental law and the protection and promotion of human rights) in the case of protection and observance of environmental human rights. Environmental human rights as a subject area of international environmental law regulation. International environmental law: the formation and development, the main institutions. Protection of environmental human rights as a branch principle of international environmental law. International environmental security - sustainable development - environmental human rights.

Questions:

1. Analyzing the question: Within what kinds of areas are the problems of environmental rights considered? Justify your opinion.
2. Analyze the relationship of branch principles of international environmental law and the protection and promotion of human rights.
3. What formation and development stages of the international environmental law can be distinguished?
4. Disclose the content of the "international environmental security" concept. Which role do environmental rights play in this concept?
5. Disclose the content of the "sustainable development" concept. Which role do environmental rights play in this concept?
6. Is it possible to construct a hierarchy among all human rights known for you? If it is possible, what place will get the environmental law?

PART II. THE CONCEPT OF INTERACTION BETWEEN HUMANS AND THE ENVIRONMENT. ECOLOGICAL AND LEGAL STATUS OF HUMAN

Common approaches to the problem of "man and nature": the "consumer attitudes towards the nature" concept, the "non-intervention in nature" concept, the noosphere doctrine, the "economic development and population needs limiting" concept, the "sustainable development" concept. The religious concepts of interaction between man and nature (Christianity, Buddhism, Islam). The philosophical concepts of interaction between society and the environment. The subjects of environmental rights: the rights of nation, individual human right. Constitutional recognition of environmental human rights.

Questions:

1. What concepts of interaction between man and nature do you know?

2. Analysis of Commissioner for Human Rights in the Russian Federation Special Report, "Environmental and human rights violations" of 05.09.2002, (the Mode of access: www.ombudsman.gov.ru/doc/spdoc/0202.shtml)

PART III. FORMATION AND DEVELOPMENT OF THE ENVIRONMENTAL RIGHTS CONCEPT

The definition of "greening of scientific knowledge." The concept of "generations of human rights". A broadened interpretation of civil and political rights, as well as economic, social and cultural rights in case of the protection of environmental human rights. Formation and development stages of the environmental human rights as an independent legal branch: the Stockholm Declaration on the Human Environment 1972, the Declaration of Rio de Janeiro on Environment and Development 1992, Draft Declaration of Principles on human rights and the environment 1994 and The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus, 25.6.1998). Environmental human rights classification. The fundamental environmental law: the right to a healthy environment. The obligation of everyone is to protect the nature.

Questions:

1. What does a "generation of human rights" mean? Who has this classification into scientific use introduced?
2. In which generation of human rights should the environmental rights be placed? Justify your point of view.
3. What kinds of environmental rights do you know?

PART IV. INDIGENOUS PEOPLES AND THE ENVIRONMENTAL RIGHTS

The third generation of human rights and the protection of the rights of indigenous peoples. Modern problems of indigenous peoples: the selection of traditional local lands and sacred places, projects in the sphere of construction, mining, logging, agricultural programs. Traditional nature management of indigenous peoples as a dialogue between man and nature. Environment and indigenous peoples. The influence of climate change problem on the life of indigenous peoples.

Environmental law as a vital characteristic of the status of indigenous peoples. Types of environmental rights of indigenous peoples: the right to access to natural resources and the environment (the right for traditional nature management), the right to fish, to hunt. International guarantees of the environmental rights of indigenous peoples protection. Access to genetic resources of indigenous peoples and equitable benefits from their usage.

The Arctic Council as a form of cooperation between states and indigenous peoples in order to protect the environment.

Questions:

1. The formation and development history of the institution of protection of indigenous rights in international law

1. Describe the activities of the UN Permanent Forum on Indigenous Issues (www.un.org/russian/hr/indigenousforum/). Analyze the recent reports of Russia.

3. The Protection of the rights of indigenous and minority peoples of traditional nature management in Russia: the main problem .

4. The international legal regime on access to genetic resources of indigenous peoples and equitable benefits from their usage.

PART V. NATIONAL PROTECTION MECHANISMS OF ENVIRONMENTAL HUMAN RIGHTS

Protection of environmental rights at the national level. Guarantees and protection of environmental human rights in Russia within the administrative procedure, legal procedure including the proceedings at the Constitutional Court, Ombudsman. The activities of environmental NGOs in the states. Protection of environmental rights in other states. The formation of a national system of specialized environmental courts. The Swedish model of environmental courts.

Questions:

1. The environmental prosecutor activities in Russia.

2. The NGOs activities on the protection of environmental human rights.

3. Specialized environmental courts in Sweden.

PART VI. INTERNATIONAL LEGAL PROTECTION MECHANISMS OF ENVIRONMENTAL HUMAN RIGHTS. HUMAN RIGHTS TREATY BODIES

Exhaustion of domestic remedies as a necessary criteria for access to international bodies on the protection of environmental human rights. Protection of environmental rights of indigenous peoples at the international level: regional human rights system, the Compliance Committee of the Aarhus Convention in 1998, the International Court of Environmental Arbitration and Conciliation. The treaty bodies on human rights as a mean of the environmental rights protection: The Commission on Human Rights (Council of Human Rights) Human Rights Committee, the Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Discrimination against Women, Committee on the Rights of the Child. Special Procedures of the Council on Human Rights: Special Rapporteur on the Right to Food, the Independent Expert on human rights and extreme poverty, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the Special Rapporteur on the adverse effects of the illicit movement and toxic wastes and the Independent Expert on human rights obligations related to access to safe drinking water and sanitation.

Questions:

1. The establishment prospects of an International Environmental Court.
2. The negative effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights as the part of the Human Rights Council activity.
3. The treaty bodies on human rights decisions at the sphere of environmental protection and human rights.

Cases:

- 1) Decisions of the Compliance Committee of the Aarhus Convention in 1998
- 2) General Comment number 15 "The right to water." The Committee on Economic, Social and Cultural Rights. 29th session (2002).
- 3) Report #511/1992 (Ilmari Lansman et al. V. Finland, Decision 74, CCPR/C/57/1 (1996).
- 4) Report #431/1990 (OS et al. V. Finland, decision of 03.23.1994).
- 5) Report #671/1995 (Jouni E. Lansmann et al. V. Finland, decision of 10.30.1996).
- 6) Report #547/1992 (Apirana Mahuika et al v. New Zealand).

PART VII. INTERNATIONAL LEGAL PROTECTION MECHANISMS OF ENVIRONMENTAL HUMAN RIGHTS. REGIONAL SYSTEMS OF HUMAN RIGHTS PROTECTION.

At the regional level commissions and human rights courts at their decisions consider the matters of environmental human rights violations. There are significant differences in the environmental human rights interpretation in various regions of the world. In Africa, operates African Commission on Human and Peoples' Rights and the African Court on Human and Peoples Rights. In the inter-American human rights system, environmental complaints are considered in the light of the right to life, violation of rights of indigenous peoples, and in the European system of protection of human rights (Council of Europe), environmental rights can be protected by the right to privacy. American and European human rights systems have a rich practice of environmental protection of human rights. Since 2009 the Protocol number 15 on the protection of environmental rights to the European Convention on Human Rights and Fundamental Freedoms was being considered to be adopted. Formation of human rights protection system in Asia. ASEAN as a positive example.

Questions:

1. Regional human rights protection system and the treaty bodies on human rights: the similarities and differences.
2. What is the procedure of the environmental rights protection in the European regional system?
3. Protection of environmental human rights in various regions of the world. What are the main specific features of the Asian system at the sphere of environmental human rights protection?

Cases:

1. Decision «Awas Tingni Mayagna (Sumo) Indigenous Community v. Nicaragua decision " of 08/31/2001.
2. Decision 7615 (Yanomani v. Brazil, 1985).
3. Report on the human rights situation in Ecuador (OEA/Ser.L/V/II.96, doc. 10 rev. 1, 1997).
4. Report on the human rights situation in Brazil (OEA/Ser.L/V/II.97, doc. 29, rev. 1).
5. Decision of the ECHR in the case of "Fadeeva against Russia" of 09/06/2005.
6. Decision of the ECHR in the case of "Budaeva and others v. Russia" 29/09/2008.
7. The case «Ogoniland».

PART VIII. AARHUS CONVENTION IN 1998 AND THE KIEV PROTOCOL 2003

Economic Commission for Europe (UNECE): role in maintaining the ecological security of the region. The Convention on Access to Information, public participation in decision-making and access to justice in environmental matters of 25.06.1998 (Aarhus) and its Protocol on Pollutant Release and Transfer Registers of 21.05.2003 (Kiev): the history of the establishment, legal content.

Questions:

1. Which of the UNECE member countries are not parties to the Aarhus Convention? Why?
- 2) Innovative protection of environmental rights: a Compliance Committee of the Aarhus Convention (1998).

Case:

- 1.The modern practice of the Compliance Committee of the Aarhus Convention (1998).

PART IX. XXI CENTURY CHALLENGES AND ENVIRONMENTAL HUMAN RIGHTS

Genetically-modified organisms (GMOs) and environmental rights. The Cartagena Protocol on Biosafety(2000) to the Convention on Biological Diversity (1992). An amendment to the Aarhus Convention (Alma-Ata, 2005) due to the establishment of a mechanism for public participation in decision-making on the deliberate release into the environment and placing on the market of GMOs.

Bioethics and environmental rights. The right to health care - a universal and fundamental human right. Somatic human rights: abortion, new reproductive technologies, genetic information is health, euthanasia. Biomedical research in humans and animals.

Global climate change and human rights.

Questions:

1. The spread of GMOs as a threat to environmental human rights.
2. Somatic human rights.
3. Global climate change and human rights

Case:

1. "The case of biotechnology» (Biotech case), the Dispute Settlement Body WTO, 2003.

Sections of Course and Education forms

Sections	Lectures	Classes	Independent work	Total hours
1		2	10	12
2		2	10	12
3		2	10	12
4		2	10	12
5		2	10	12
6		2	10	12
7		2	10	12
8		2	10	12
9		2	10	12

Technical equipment

Inter-University Resource Center for Human Rights Master Studies (office 365), OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

Additional resources

UN Audiovisual Library of International Law (<http://legal.un.org/avl/>), The Dag Hammarskjöld Library (<http://digitallibrary.un.org/>), Springer (<https://rd.springer.com/>).

Bibliography

1. Boyle Alan. Human Rights or Environmental Rights? A Reassessment' // 18 Fordham Environmental Law Review. 2007. P. 471–511.
2. Donald K. Anton, Dinah L. Shelton. Environmental Protection and Human Rights. Cambridge University Press, 2011.
3. Environmental Rights. The Development of Standards / ed. By Stephen J. Turner, Dinah L. Shelton, Jona Razzaque, Owen McIntyre, James R. May. Cambridge University Press, 2019.
4. Environmental Law and Justice in Context / ed. by Jonas Ebbesson and Phoebe Okowa. Cambridge University Press, 2009.
5. Hayward Tim. Constitutional Environmental Rights. Oxford University Press, 2004.
6. Hiskes Richard P. The Human Right to a Green Future. Environmental Rights and Intergenerational Justice. Cambridge University Press, 2009.
7. International Environmental Law Reports. Volume 3, Human Rights and Environment / Edited by Cairo A. R. Robb. Cambridge University Press, 2001.
8. Merrills J. Environmental Rights // in Oxford Handbook of international environmental law. D. Bodansky, J. Brunnée and E. Hey eds, 2007.

9. Ramnewash-Oemrawsingh Sangini. The Human Right to a Viable Environment. Cambridge University Press, 2010.
10. Stephens Tim. International Courts and Environmental Protection. Cambridge University Press, 2009.
11. The Aarhus Convention at Ten: Interactions and Tensions Between Conventional International Law and EU Environmental Law / ed. by Marc Pallemmaerts. 2010.

Guidelines on the organization of the course:

Lectures. Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia and audiovisual and presentation. Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

Evaluation

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on system.rudn.ru.

Author

Associate Professor of the Department of
International Law, Candidate of Legal Sciences



A. Solntsev

Programme supervisor

Professor of the Department of International Law,
Doctor of Legal Sciences



N. Emelyanova

Head of the Department of International Law,
doctor of legal sciences, professor



A. Abashidze