Syllabus (Mapclass)

I. Introduction to International Law

II. Introduction to International Environmental Law

III. Introduction to International Human Rights Law

IV. Human Rights and Environment

V. Cross cutting issues on Human Rights and Environment

VI. Class Exercise

I. Introduction to International Law

This section aims to provide a brief overview of the general principles and operating framework of international law. The students should acquire from this portion of the seminar, an understanding of the procedures and dynamics of international law-making, sources and consensus building mechanisms, and the necessary analytical tools to apply international law.

The issues included in this section should be covered in a single class of the course (suggested Class 1).

Subjects:

1. Basic Principles of Public International Law

2. International Law Making

3. The Changing Nature of International Law

4. Traditional Sources of Law

   (Customs, General Principles, Treaties, Judicial Decisions)

5. Innovation in International Law Making (Soft Law)

6. Building Consensus

7. How to read international law
II. Introduction to International Environmental Law

This section aims to provide a brief overview of the general principles and operating framework of environmental international law. The students should acquire from this portion of the seminar, an understanding of the procedures and dynamics of international environmental law-making, sources and consensus building mechanisms, and the necessary analytical tools to apply international environmental law.

The issues included in this section should be covered in a single class of the course (suggested Class 2).

Subjects:

1. A brief history from Stockholm to Rio

Readings:

2. Principles and Concepts in International Environmental Law

Readings:

3. International Institutions and Non State Actors

Readings:

Further Readings:
- The Corfu Channel Case (Albania/United Kingdom), 1949 I.C.J. 4, 12-23, 36
- The Lake Lannoux Arbitration Case (France v. Spain) 24 Int. L. R. 101 (1957)
- Louis B. Sohn, The Stockholm Declaration on the Human Environment, 14 HARV. Int. L.J. 423 (1973)
- Protection and Preservation of the Marine Environment, Report of the UN Secretary General to the UN Conference on Environment and Development, UN Doc. A/CONF.151/10, 30 April 1992
III. Introduction to International Human Rights Law

This section aims to provide a brief overview of the general principles and operating framework of international human rights law. The students should acquire from this portion of the seminar, an understanding of the procedures and dynamics of international human rights law-making, sources, human rights institutions, and consensus building mechanisms, and the necessary analytical tools to apply international human rights law.

The issues included in this section should be covered in a single class of the course (suggested Class 3).

1. An Overview of the International Human Rights System

Readings:


2. International Human Rights Systems of Protection

a. The UN System

Readings:

Further Reading


b. The Inter-American System

*Readings:*

- Guest speaker: Prof. Goldman - AU- President of the IACHR

c. The European System

*Readings:*


d. The African System

*Readings:*


IV. Human Rights and Environment

This section aims to analyze how human rights and environment are linked in theory and in practice. The seminar reviews how international human rights mechanisms can be used in cases involving environmental abuse. The section reviews the UN Human Rights System, European Human Rights System, the
African Human Rights System and the Inter-American Human Rights System, with a view to explore how these systems treat cases of environmental rights abuses.

The issues included in this section should be covered in four classes of the seminar (suggested Classes 4-7).

1. Human Rights Approaches to Environmental Protection

a. An Overview - The concept of the "value added"

Readings:


Guest speaker: Aaron Sachs, Worldwatch Institute, tel 202 452 1999

b. Environmental Rights in Existing Human Rights Treaties

Readings:

- c. Environmental Protection and the U.N. Human Rights System

**Readings:**

- Caroline Dommen, "How Human Rights Norms can contribute to Environmental Protection", CEDHA Publication (Forthcoming 1999)
- U.N. Ksentini Report on Human Rights and Environment
- INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (CERD)
- INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)
- INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)
- CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

Guest speaker: S. Douglas - Intl' HR Law Group tel 202 822 4600, for Douglas’s class the students should read the reading materials on environmental discrimination - see map class V 1.

- d. Environmental Protection and the Inter-American Human Rights System (Introducing the environmental argument in the I-A Human Rights System)

**Readings:**
• The Awas Tingni Case (The petition before the IAHR Commission, The IAHR Commission brief to the Court, IHRLG and CIÉL Amicus Brief, The Indigenous Communities' Amicus Brief)

• American declaration on the rights and duties of man
• American convention on human rights
• Protocol of San Salvador

Further Readings


e. Environmental Protection and the European Human Rights System

Readings:


European Court of Human Rights:

• Powell and Rayner v. United Kingdom
• Lopez Ostra v Spain
• Balmer-Schafroth v Switzerland
• CASE OF GUERRA AND OTHERS v. ITALY - REPORTS 1998-I
• CASE OF McGINLEY AND EGAN v. THE UNITED KINGDOM - REPORTS 1998-III
European Commission of Human Rights:

- App. 7889/77 (friendly settlement)
- Greenpeace Schweiz v Switzerland - 27644/95
- Noel Narvie Tauria v France - Appl. 28204/96

Committee on ESC Rights:

- General Comment No. 4

Committee for the Elimination of Racial Discrimination:

- General Comment No. 23

Human Rights Committee: General Comments and Individual cases:

- No. 23 (on minorities)
- No. 18 (non discrimination)
- No. 12 (right to self determination)
- No. 14 (right to life and nuclear weapons)
- Ominayak v. The Lubikon Lake Band - Communication No. 167/1984
- Sara v Finland - Communication No. 431/1990
- Ilmari Lansman v Finland - Communication No. 511/1992
- Jouni Lansman v Finland - Communication No. 671/1995
- Kitok v Sweden - Communication No. 197/1985
- Hopu & Bessert v France - Communication No. 549/1993
- Port Hope Environmental v Canada - Communication No. 67/1980
- E.W. v Netherlands - Communication No. 429/1990
- Bordes and Temeharo v France - Communication No. 645/1995

f. Environmental Protection and the African Human Rights System

Readings:


V. Cross cutting issues on Human Rights and Environment

This section adapts to the particular development and focus of the class discussions. Some cross-cutting issues are listed in the topics outlined below. One suggested approach to this section is to define the cross cutting issues with the students and plan the particular class topics and dates accordingly.

The issues included in this section should vary from 4 to 6 topics. (suggested Classes 8-13).

1. Environmental Discrimination and the Human Right to Equal Treatment

Readings:


2. Environmental Justice

Readings:


3. Environmental Protection and The Human Rights to Participate and Access to Information

Readings:

4. Human Rights Abuses of Environmental Activists

Readings:


5. The Human Right to Life and the development of a right to a clean or healthy environment

Readings:

- A.A. Cancado Trindade, "The Parallel Evolutions of International Human Rights Protection and of Environmental Protection and the Absence of Restrictions upon the Exercise of Recognized Human Rights". Revista del Instituto Interamericano de Derechos Humanos, Nro. 13, p. 50 - 76

6. Sustainable Development as a Human Right

Readings:


Further Readings:


7. Environment, Human Rights and Indigenous Peoples

Readings:

- Robert D. Bullard, "Anatomy of Environmental Racism and the Environmental Justice Movement", Confronting Environmental Racism Voices from the Grassroots, South End Press Boston, Mass., chapter 1, p.29, paragraph.4
VI. Class Exercise

In this section, the class will put on a moot court simulation. The model to be used is the Inter-American Human Rights System. The class is divided into teams representing the Inter-American Court, the Commission, the accused State, the NGO representing the victim(s), and an NGO presenting an *amicus* brief on the case. We will use an exemplary case that involves human rights and environmental abuses and will go through the steps of the utilization of an international human rights mechanisms in applying international human rights and environmental law.

The moot court exercise should be covered in two or three classes (suggested final classes).

*Readings:*


*For Distribution to Class ONLY after the moot court is complete.*

- The Awas Tingni Case (The petition before the IAHR Commission, The IAHR Commission brief to the Court, IHRLG and CIEL Amicus Brief, The Indigenous Communities' Amicus Brief)

*Further Reading*

Reading Materials