Human Rights and the Environment

Heinämäki, Leena

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Reports

OXFORD

I. GENERAL DEVELOPMENTS

1. Human Rights and the Environment

The aim of this report is to highlight some of the important work done mainly by United Nations (UN) human rights bodies and some regional human rights treaty bodies regarding inter-connections between human rights and the environment. Due to limited space, the report does not give justice to, and is by no means an exhaustive list of, all the plentiful significant happenings related to human rights and the environment during the past year. The nature of the report is not an analytical study but merely a descriptive overview and summary of some of the chosen main international establishments related to the topic during the past year.

Since this annual report was not written about the events of the previous year (2019), it should be mentioned that the year 2019 was, as the Center for International Environmental Law (CIEL) highlighted, an important year for human rights and climate change in the work of the UN human rights treaty bodies and beyond (CIEL, *States' Human Rights Obligations in the Context of Climate Change: Update 2020* (2020) at 1 <https://www.ciel.org/wp-content/uploads/2020/03/States-Human-Rights-Obligations-in-the-Context-of-Climate-Change_2020-Update.pdf>). One of the highlights was a joint statement on human rights and climate change issued by five UN human rights treaty bodies (Committee on the Elimination of Discrimination against Women; Committee on Economic, Social and Cultural Rights; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; Committee on the Rights of the Child; and Committee on the Rights of Persons with Disabilities, *Joint Statement on Human Rights and Climate Change* (16 September 2019) <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E>). Among other things, an important message of this joint statement is that women, children, and other persons such as persons with disabilities, should not be seen only as victims or in terms of vulnerability. They should be recognized as agents of change and essential partners in the local, national, and international efforts to tackle climate change, and states should support their wider participation in environmental questions (*ibid.*). Furthermore, more climate change cases were submitted to the treaty bodies during 2019, and, for instance, the Human Rights Committee in the case of *Portillo Cáceres v Paraguay* recognized, for the first time, the existence of a connection between environmental protection and the right to life with dignity (Communication 2751/2016, Doc. CCPR/C/126/D/2751/2016 (25 July 2019)). Furthermore, in December 2019, the Supreme Court of the Netherlands ruled in its landmark decision in *Urgenda Foundation v State of the Netherlands*, finding that the Dutch government's measures to reduce emissions were insufficient and in violation of its human rights obligations under the European Convention on Human Rights (ECHR), including its obligations with respect to the right to life (<https://

www.hogeraad.nl/actueel/nieuwsoverzicht/2019/december/dutch-state-case-reduce-green house-gas-emissions/>; see also CIEL, *States' Human Rights Obligations*).

Following the successes of 2019, one of the highlights of the year 2020 was the entry into force of the first environmental human rights treaty in Latin America and the Caribbean, known as the Escazú Agreement, which can be considered as a ground-breaking pact to fight pollution and secure a healthy environment. The Escazú Agreement includes strong protections for indigenous peoples and environmental human rights defenders at a time when they are subject to unprecedented levels of violence (see <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26488&LangID=E>). As will be described below, the year 2020 became an exceptional environmental year due to the COVID-19 pandemic, which has raised serious human rights considerations throughout the globe.

(1) UN

Plentiful events related to human rights and the environment took place during the past year within the different institutions of the UN, carried out together with its partners. In this context, a few of them are highlighted as examples. On 6 February, the UN Human Rights Council core group comprising of Costa Rica, Maldives, Morocco, Slovenia, and Switzerland, convened an expert seminar to inform discussions at the UN about the right to a clean, healthy, and sustainable environment. The seminar was convened with the support of the Universal Rights Group, the Commonwealth Small States Office in Geneva, the Geneva Academy, UNICEF, the UN Environment Programme (UNEP), and the Office of the High Commissioner for Human Rights (OHCHR), to consider the growing recognition of the 'right to environment' around the world, as well as to better understand the value of this right for individual rights-holders and for the environment (see Universal Rights Group, *Is It Time for Universal Recognition of the Right to a Healthy Environment?* (6 February 2020) <https://www.universal-rights.org/wp-content/uploads/2020/06/Academic-conference-RHE-final-report-3.pdf>).

In February, UNEP and the OHCHR joined efforts during a forum at which different options were suggested on how, where, and why to include and integrate human rights for achieving conservation, sustainable use, and benefit sharing of biodiversity in the post-2020 global biodiversity framework. These outputs contributed to deliberations in the second meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework, which was held in Rome on 24–9 February and will further inform processes leading up to the fifteenth Conference of the Parties to the Convention on Biological Diversity (<https://spark.adobe.com/page/djLcWfUOGl02P/>). At the end of February, UN programs, environmental defenders, non-governmental organizations, and academic institutions came together in Geneva, Switzerland, to discuss how to mobilize the international community towards supporting environmental defenders. Despite their valuable work, environmental human rights defenders remain highly vulnerable and under increasing attack across the globe. Recognizing these issues, diverse organizations have implemented different projects to protect environmental defenders and strengthen the usage of environmental rights (<https://www.unep.org/news-and-stories/story/responding-needs-environmental-defenders-and-civil-society>).

During its forty-fourth session, the Human Rights Council convened, on 1 July, the annual day on the rights of the child, which focuses on realizing the rights of the child through a healthy environment (<https://spark.adobe.com/page/djLcWfUOGl02P/>). The high commissioner for human rights delivered an opening statement and emphasized that the survival, health, well-being, and development of children depends on a safe, clean, healthy, and

sustainable environment. She stated that over-exploitation of our environment increases the risk of infectious diseases like COVID-19 jumping from animals to human hosts. The pandemic is a very powerful example of the threat to human well-being that results from environmental damage. It intersects with other forms of environmental degradation, such as air pollution, which exacerbates people's vulnerability to severe health outcomes when they are exposed to COVID-19. Although many children seemed to escape the worst health outcomes from this virus, they are heavily burdened by the multiple socio-economic impacts and child protection risks that the pandemic generates. Hence, the response of the states to COVID-19 must focus on effective, child rights-based measures that protect and benefit those in most vulnerable situations, while advancing efforts to fulfil human rights and achieve the 2030 Agenda for Sustainable Development (Michelle Bachelet, UN High Commissioner for Human Rights, *Annual Day on the Rights of the Child: Realizing the Rights of the Child through a Healthy Environment* (1 July 2020) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26022&LangID=E>).

(A) UN Human Rights Council

In its Resolution 37/8 (2018), the Human Rights Council had requested the special rapporteur, David R. Boyd, on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment, to convene an expert seminar on the experience and best practices of states at the national and regional levels with regard to human rights obligations relating to the environment and to submit to the Council, at its forty-third session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action (see <https://spark.adobe.com/page/djLcWfUOGl02P>). The summary report of the special rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment was presented in the forty-third session of the Human Rights Council (24 February–20 March) (*Summary Report of the Special Rapporteur on the Issue of Human Rights Obligations relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment*, Doc. A/HRC/43/54; A/HRC/43/53 (23 January 2020) at 30).

In the report, the special rapporteur focuses particularly on the implementation of the right to a safe, clean, healthy and sustainable environment. He notes that the legal recognition of this right can itself be considered a good practice, whether by means of constitutional protection, inclusion in environmental legislation, or through ratification of a regional treaty that includes the right (Doc. A/HRC/43/53 at para. 9). Regarding the implementation, there are 110 states where this right enjoys constitutional protection. The report emphasizes that constitutional protection for human rights is essential, because the constitution represents the highest and strongest law in a domestic legal system. Furthermore, the constitution plays an important cultural role, reflecting a society's values and aspirations (at para. 10). The report states that the right to a healthy environment is explicitly included in regional treaties ratified by 126 states (at para. 11). There are 101 states where this right has been incorporated into national legislation. Especially good practices can be seen in Argentina, Brazil, Colombia, Costa Rica, France, the Philippines, Portugal, and South Africa, where the right to a healthy environment serves as a unifying principle that permeates legislation, regulations, and policies (at para. 12). In total, more than 80 percent of member states of the UN (156 of 193) legally recognize the right to a safe, clean, healthy, and sustainable environment (at para. 13).

The report focuses on collecting good practices within the community of states in relation to implementation of the right to environment, including procedural aspects such as access to environmental information, public participation in environmental decision-making, and

access to justice. The report shows that globally, there are more than one thousand specialized environmental courts and tribunals at the national and sub-national levels. The advantages of these judicial and quasi-judicial bodies include enhanced legal and scientific expertise, streamlined processes, flexibility, the use of alternative dispute resolution, comprehensive jurisdiction, open rules about standing (eligibility to file cases), effective remedies and enforcement powers, and unique case management tools. Examples include the National Green Tribunal in India, the Environment and Land Courts and National Environmental Tribunal in Kenya, and the Land and Environment Courts in Sweden (at para. 31).

Based on Human Rights Council Resolution 37/8, the Special Rapporteur prepared another report specifically focusing on the human rights that depend on a healthy biosphere (Doc. A/75/161 (15 July 2020)). The report notes that human damage to the biosphere is having major impacts on health, livelihoods, and rights. The most striking example imaginable is the coronavirus disease (COVID-19) pandemic, caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)) (at para. 10). The pandemic illustrates the interconnectedness of human rights to life, health, food, water, freedom of association, an adequate standard of living, and a healthy, sustainable environment (*ibid.*). The growing risk of emerging infectious diseases is caused by a perfect storm of human actions that damage ecosystems and biodiversity, such as deforestation, land clearing and conversion for agriculture, the wildlife trade, the expanding human population, settlements and infrastructure, intensified livestock production, and climate change. According to the report, such activities elevate the risk of pathogens spilling over from wild and domestic animals to humans. Unprecedented levels of international air travel and trade accelerate the spread of the diseases (at para. 11). The report urges governments to heed the warnings of scientists in order to take effective and equitable action to protect nature and prevent catastrophic impacts on human rights. In this regard, COVID-19 offers valuable lessons (at para. 18).

On 16 June, the UN Human Rights Council adopted a new resolution on human rights and the environment (Doc. A/HRC/RES/44/7 (23 July 2020)). The resolution expresses concern at the adverse impact of climate change on individuals with multiple vulnerability factors, including older persons, and particularly women and those with disabilities and/or pre-existing conditions, and recognizing that older persons are among the most adversely affected in an emergency, as has be seen during the COVID-19 pandemic—sustaining disproportionately higher rates of morbidity and mortality, while at the same time being among those least able to have access to emergency support and health services (*ibid.*). The resolution highlights the need for ensuring meaningful participation, inclusion, and leadership of older persons and their representative organizations within disaster risk management, emergency relief efforts, and climate-related decision-making, and in the design of policies, plans, and mechanisms at the community, local, regional, national, and global levels (*ibid.*).

(B) OHCHR

Pursuant to the 2019 Human Rights Council Resolution 41/21 on human rights and climate change, the OHCHR prepared an analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change, which was presented at the forty-fourth session of the Human Rights Council from 15 June to 3 July (Doc. A/HRC/44/30 (22 April 2020)). The report examines the impacts of climate change on persons with disabilities and identifies human rights obligations and the responsibilities of states and other actors in relation to disability-inclusive approaches. The report furthermore shares good practices and provides recommendations.

The report highlights that people who are culturally, economically, institutionally, politically, socially, or otherwise marginalized, such as persons with disabilities, are particularly at

risk of harm from the adverse effects of climate change. Due to stereotypes, stigma and prejudices, and environmental barriers, their full and effective participation in society on an equal basis with others is often hindered (*ibid.* at para. 4). The report notes that although climate change has both direct and indirect impacts on the effective enjoyment of a wide range of human rights for everyone, persons with disabilities—an estimated 1 billion individuals worldwide—may experience these impacts differently and more severely than others. For example, persons with disabilities are often among those most adversely affected in an emergency, sustaining disproportionately higher rates of morbidity and mortality, and are among those least able to access emergency support. Sudden-onset natural disasters and slow-onset events can seriously affect the access of persons with disabilities to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing, and access to decent work (at para. 5). The report notes that multiple and intersecting factors of discrimination related to gender, age, displacement, indigenous origin, or minority status can further heighten the risks of persons with disabilities experiencing negative impacts of climate change (at para. 6). The report emphasizes that because persons with disabilities are disproportionately affected by climate change, they must be included in climate action. Their participation would allow for tailored climate action that addresses the specific concerns of persons with disabilities related to the adverse impacts of climate change. The report calls for a human rights-based approach that empowers persons with disabilities as agents of change to address the harmful impacts of climate change in their day-to-day lives (at para. 7).

The OHCHR, together with UNEP, published 'key messages' on human rights, environment, and COVID-19, highlighting the urgency for an effective response, which requires immediate, ambitious, and evidence-based preventive action at the international level, calling for the human rights approach (<https://www.ohchr.org/Documents/Issues/ClimateChange/HR-environment-COVID19.pdf>). The OHCHR and UNEP also published the first 'Environmental Rights Bulletin' in September 2020, which aims at supporting a growing community of practice of the OHCHR and UNEP through the exchange of experiences, best practices, and information sharing related to processes at the regional, national, and global levels of relevance to the human rights–environment nexus.

(C) UN Human Rights Treaty Monitoring Bodies

Two communications of the UN human rights monitoring bodies—the UN Human Rights Committee and the Committee on the Elimination of Racial Discrimination—are highlighted as examples to demonstrate the connection between human rights and the environment. In September, the UN Human Rights Committee adopted a decision concerning an environmental case, *Teitiota v New Zealand* (Doc. CCPR/C/127/D/2728/2016 (23 September 2020)). The author of the communication is Ioane Teitiota, a national of Kiribati born in the 1970s. He claimed that the state party violated his right to life under the Covenant by removing him to Kiribati in September 2015. He argued that the effects of climate change and sea level rise (SLR) forced him to migrate from the island of Tarawa in Kiribati, to New Zealand. The situation in Tarawa has become increasingly unstable and precarious due to SLR caused by global warming. The author has sought asylum in New Zealand, but the Immigration and Protection Tribunal issued a negative decision concerning his claim for asylum. Nevertheless, the tribunal did not exclude the possibility that environmental degradation could 'create pathways into the Refugee Convention or protected person jurisdiction.' The Court of Appeal and the Supreme Court each denied the author's subsequent appeals concerning the same matter (at paras. 1–2).

Based on the information the author presented to the domestic authorities and in his communication, the Committee considered that the author sufficiently demonstrated, for the purpose of admissibility, that due to the impact of climate change and associated SLR on the habitability of Kiribati, and on the security situation on the islands, he faced a real risk of impairment to his right to life under Article 6 of the Covenant as a result of the state party's decision to remove him to Kiribati. Accordingly, the Committee considers that Articles 1 and 2 of the Optional Protocol do not constitute an obstacle to the admissibility of the communication (*ibid.* at para. 8.6).

Considering the merits of the case, the committee noted the author's claim that by removing him to Kiribati, the state party subjected him to a risk to his life in violation of Article 6 of the Covenant and that the state party's authorities did not properly assess the risk inherent in his removal (*ibid.* at para. 9.2). The committee further recalled that the obligation of state parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. State parties may be in violation of Article 6 of the Covenant even if such threats and situations do not result in the loss of life. Furthermore, the committee recalled that environmental degradation, climate change, and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life (see Human Rights Committee, General Comment no. 36 at para. 62). Moreover, the committee observed that both it and regional human rights tribunals have established that environmental degradation can compromise effective enjoyment of the right to life, and that severe environmental degradation can adversely affect an individual's well-being and lead to a violation of the right to life (at paras. 9.4.–9.5). However, after careful consideration of the merits, the committee concluded that, without prejudice to the continuing responsibility of the state party to take into account in future deportation cases the situation at the time in Kiribati, and new and updated data on the effects of climate change and rising sea levels thereupon, the committee is not in a position to hold that the author's rights under Article 6 of the Covenant were violated upon his deportation to Kiribati in 2015 (at para. 9.14).

The Committee on the Elimination of Racial Discrimination (CERD) issued an important decision in November related to the Sámi people's environmental human rights in the case of *Lars-Anders Ågren et al v Sweden* (Doc. CERD/C/102/D/54/2013 (26 November 2020)). In the case, the state party had granted exploitation concessions to a private mining company in the Vapsten's traditional territory of the Sámi indigenous people, consisting of three open-pit mines located in the Rönnbäcken isthmus, a region with pasture areas of fundamental importance to the Vapsten's reindeer herding cycle (at para. 1.2). By granting, without their consent, the concession of three open-pit mines within their traditional property where they pursue a traditional livelihood, the petitioners claimed that the state party breached their right to property as enshrined in Article 5(d)(v) of the ECHR. Indeed, under both national and international law, Vapsten had established a property right to the land area in dispute, through traditional use. Without the pasture areas that the mining activities would consume due to the concessions granted by the state party, and without the migration routes, the petitioners would no longer be able to pursue their traditional livelihood and they would therefore need to be forcibly relocated from their traditional territory. In addition, the petitioners claimed that the state party breached their right to equal treatment before the tribunals and all other organs administering justice, as enshrined in Article 5(a) of the ECHR, as the state party ignored the fact that the right to non-discrimination requires treating Vapsten as an Indigenous reindeer herding community, and not as a Swedish property right holder (*ibid.*).

The CERD concluded that since the decisions of the Land and Environment Court and the Supreme Administrative Court could not evaluate the taking of the land from the petitioners' fundamental right to traditional territory perspective, the facts as submitted reveal a violation of the petitioners' rights under Article 6 of the ECHR (a right to effective remedies) (*ibid.* at para. 6.29). The CERD concluded that the facts before it disclose a violation by the state party of Articles 5(d)(v) (a right to property) and 6 of the ECHR (*ibid.* at para. 7). The CERD recommended that the state party provide an effective remedy to the Vapsten Sami Reindeer Herding Community by revising effectively the mining concessions after an adequate process of free, prior and informed consent. The committee also recommended that the state party amend its legislation in order to reflect the status of the Sami as Indigenous people in national legislation regarding land and resources and to enshrine the international standard of free, prior and informed consent. The state party was also requested to give wide publicity to the committee's views and to translate it into the official language of the state party as well as into the petitioners' language (*ibid.* at para. 8).

(2) ENVIRONMENTAL CASES IN REGIONAL HUMAN RIGHTS MONITORING BODIES

(A) European Court of Human Rights (ECtHR)

In December, the ECtHR gave its decision in the case of *Yevgeniy Dmitriyev v Russia* (ECtHR, *Case of Yevgeniy Dmitriyev v Russia*, Application no. 17840/06 (1 December 2020) <https://ips.ligazakon.net/document/ES068968>). The case was related to the environmental noise disturbance that the applicant had experienced while his apartment was situated above a basement occupied by the local police station and by temporary detention cells. The applicant had complained to various bodies about the noise and other nuisances emanating from the station and cells, before he finally moved out of the property in 2008. He alleged in particular that the noise and other nuisances from the police station for more than thirteen years had interfered with his right to respect for private life and home (*ibid*; see ECtHR, *Factsheet: Environment and the ECHR* (February 2021) at 19 <https://www.echr.coe.int/Documents/FS_Environment_ENG.pdf>).

The court held that there had been a violation of Article 8 of the ECHR, stating that the Russian State had not succeeded in striking a fair balance between the interest of the local community in benefiting from the protection of public peace and security and the effective implementation of laws by the police force, and the applicant's effective enjoyment of his right to respect for his private life and his home. The court also observed that in 2006 the state authorities had been made aware by one of their own organs that they were in violation of the sanitary norms and regulations applicable at the time, yet no serious action had been taken in order to reduce the nuisances. Moreover, this situation had continued for thirteen years in respect of the applicant and had resulted in the applicant's having considered himself obliged to sell his property and move to another place (*ibid.*).

Another environmental case in the ECtHR in December was the case of *National Movement Ekoglasnost v Bulgaria* (ECtHR, *Case of National Movement Ekoglasnost v Bulgaria*, Application no. 31678/17 (15 December 2020) <https://ips.ligazakon.net/document/ES069118>). The applicant association, which is a non-profit legal organization working to solve environmental problems in Bulgaria, had been ordered to pay legal costs to a nuclear power plant in the amount of €6,000 in proceedings for the reopening of a civil trial. The applicant argued these costs to be excessive. The court ruled that there had been a violation of Article 1 of Protocol no. 1 (the right to property), finding that the Supreme Administrative

Court, which had ordered the applicant association to pay the legal fees of the nuclear power plant, had failed to give sufficient reasoning as to why it had made such a large order, and had failed to balance the general interest with the rights of the applicant, leaving it to bear an excessive individual burden (*ibid.*; see ECtHR, *Factsheet: Environment and the ECHR* (February 2021) at 32).

Several more environmental cases that are currently pending were brought to the ECtHR during the past year. The case of *Duarte Agostinho and Others v Portugal and 32 Other States* concerns the greenhouse gas emissions from thirty-three contracting states that, in the applicants' submission, contribute to global warming and result, *inter alia*, in heat waves that are affecting the applicants' living conditions and the health of the applicants (Portuguese nationals) (ECtHR, *Case of Duarte Agostinho and Others v Portugal and 32 Other States*, Application no. 39371/20, Application communicated to the defending governments (13 November 2020), pending application). The court gave notice of the application to the defending governments and addressed the parties with questions under Article 1 (jurisdiction of States), Article 2 (right to life), Article 3 (prohibition of inhuman or degrading treatment), Article 8 (right to private and family life and home), Article 14 (prohibition of discrimination), and Article 34 (individual applications) of the Convention, and Article 1 (protection of property) (*ibid*; see ECtHR, *Factsheet: Environment and the ECHR* (February 2021) at 2).

Another pending case, *Thibaut v France*, concerns the installation of an extra-high voltage power line in the neighbourhood of dwellings (ECtHR, *Case of Thibaut v France*, Application nos. 41892/19 and 41893/19, applications communicated to the French government (10 February 2020), pending application). The court gave notice of the applications to the French government and put questions to the parties under Article 8 (right to respect for private and family life and home) of the ECHR (*ibid.* at 12).

(B) Inter-American Court of Human Rights (IACtHR)

One particular case ruled by the IACtHR in April 2020 is important to raise as an example where the Court specifically, for the first time, articulated the right to a healthy environment. In the case of *Indigenous Communities of the Lhaka Honhat Association (Our Land) v Argentina*, the court considered allegations by Indigenous communities in the province of Salta that the state had failed to implement measures to stop illegal logging and other harmful activities in their territory, which had altered their Indigenous way of life and damaged their cultural identity (IACtHR, *Case of Indigenous Communities of the Lhaka Honhat Association (Our Land) v Argentina*, Series C, No. 400 (6 February 2020) (Spanish only) <https://www.corteidh.or.cr/docs/casos/articulos/seriec_400_esp.pdf>; IACtHR, press release <https://www.corteidh.or.cr/docs/comunicados/cp_24_2020_eng.pdf>). For the first time, the court analysed the rights to a healthy environment, adequate food, water, and cultural identity autonomously from Article 26 of the American Convention on Human Rights (ACHR) (the right to property), ordering specific measures of reparation for the restitution of those rights, including actions for access to water and food, for the recovery of forest resources, and for the recovery of Indigenous culture (*ibid.*). Hence, the court recognized the 'autonomous' right to a healthy environment under Article 26 (the progressive realization principle) of the ACHR, noting that the right to a healthy environment should not only be considered a component of other substantive human rights (see <https://ijrcenter.org/2020/04/08/inter-american-court-decides-first-environmental-rights-case-against-argentina/>).

In its judgment, the court determined that the state violated the right to community property by not providing legal security to it and allowing the presence of 'creole', non-Indigenous, residents in the territory. It also concluded that Argentina does not have adequate regulations to sufficiently guarantee the community property right. Furthermore, the

court stated that adequate mechanisms for consulting Indigenous communities were not followed. It also resolved that judicial authorities did not follow a reasonable period of time in the processing of a judicial case in which it was decided to nullify rules regarding fractional land awards. The court determined that the state violated the rights to cultural identity, a healthy environment, and adequate food and water, due to the lack of effectiveness of state measures to stop activities that were harmful to them. In its judgment, the court viewed that illegal logging, as well as other activities carried out in the territory by the Creole population—specifically, livestock and wire fencing—affected environmental assets, affecting the traditional way of feeding indigenous communities and in their access to water. This altered the Indigenous way of life, causing damages to their cultural identity (*ibid.*; for a further analysis, see Maria Antonia Tigre, 'Inter-American Court of Human Rights Recognizes the Right to a Healthy Environment' (2020) 24(14) American Society International Law <https://www.asil.org/insights/volume/24/issue/14/inter-american-court-human-rights-recognizes-right-healthy-environment>).

Leena Heinämäki
Docent, Senior Researcher, Northern Institute for Environmental and Minority Law, Arctic Centre, University of Lapland, Rovaniemi, Finland
leena.heinamaki@ulapland.fi

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3. Transboundary Environmental Cooperation

A. Prior Information / Consultation / Environmental Impact Assessment

(1) SIGNIFICANCE OF EUROPEAN PRACTICE: THE UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE (UNECE)

The major developments under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the Protocol on Strategic Environmental Assessment (SEA Protocol) in 2020 are as follows.

(A) Meetings of the Parties (MOP) to the Espoo Convention and the SEA Protocol

MOP-8 to the Espoo Convention and the fourth session of the MOP (MOP-4) to the SEA Protocol took place on 8–11 December (ECE/MP.EIA/30 – ECE/MP.EIA/SEA/13; ECE/MP.EIA/30/Add.1 – ECE/MP.EIA/SEA/13/Add.1; ECE/MP.EIA/30/Add.2 – ECE/MP.EIA/SEA/13/Add.2; ECE/MP.EIA/30/Add.3 – ECE/MP.EIA/SEA/13/Add.3). The sessions were held remotely due to the COVID-19 pandemic restrictions on physical meetings and travel. They were initially planned to take place in Vilnius, Lithuania. Representatives from forty parties to the Convention—including thirty-nine states and the European Union (EU) and the Russian Federation as a UNECE member state—attended