

## 1. Introduction

### 1(1) Environmental rights

- 人権の観点から環境を議論すべき理由は？
- 人間以外の何らかのものに「権利」を与える主張の根拠は？
- それを批判する側の根拠は？

### 1(2) The role of national law

## 2. Human rights and the environment

### 2(1) Introduction

### 2(2) The environment in human-rights treaties

- [African Charter on Human and Peoples' Rights](#)
- [Ogoniland case](#)
- [Aarhus Convention](#)
- [ECLAC Agreement](#)
- 直前の 2 本の条約の意義は？

### 2(3) Environmental rights and the UN human rights institutions

#### (a) UNHRC special rapporteurs on environmental issues

- [Special rapporteur on illicit movement and dumping of toxic and dangerous products and wastes](#)

#### (b) UNHRC Special Rapporteur on the enjoyment of a 'safe, clean, healthy and sustainable environment'

- [Special Rapporteur on human rights and the environment](#)

#### (c) Human rights and climate change

- 'the key question'が'whether greenhouse gases ('GHG') emitting states also have a legal responsibility to protect people in *other* states'であるのはなぜか。
- 【教科書発刊後の展開】 [Special rapporteur on climate change](#)

### 2(4) A right to a healthy, sustainable or ecologically sound environment?

- 本書は、'Litigating them would turn an essentially political judgment into a legal one.'と述べる。それにも拘わらず、本書発刊後に採択された[国連総会決議 76/300](#)において'the human right to a clean, healthy and sustainable environment'が認められて

いる。このことはどのように考えるべきか。

**(a) The current international law**

- [Kyrtatos](#)
- [Metropolitan Nature Reserve](#)
- [Brun](#)

**(b) Should there be a right to a healthy, sustainable or ecologically sound environment?**

- 環境権を構想する場合の課題は？
  - 特に、その第3点目の‘deeper issues of legal architecture’とは？

**(c) Integrating sustainable economic development and human rights**

- [Hatton](#)
- ‘Hatton may suggest that, except at the extremes, human rights courts are not usually the best bodies to perform this balancing task, compared with national or international institutions.’とはどういうことか。またそれはなぜか。

**2(5) Greening existing human rights**

**(a) Environmental nuisances**

**(b) Indigenous culture and the environment**

**2(6) Participatory rights**

**(a) Participatory rights under the Aarhus Convention**

**(b) The 2018 ECLAC Regional Agreement**

**(c) Participatory rights under human-rights treaties**

**(d) NGOs and participatory rights**

**2(7) Extraterritorial application of human-rights treaties in environmental cases**

- ‘counter arguments’を説明せよ。
- [IACtHR, Advisory Opinion on Environment and Human Rights](#)

**2(8) Conclusions**

**3 Transboundary environmental litigation**

**4 Harmonization of environmental liability**

**5 Corporate environmental accountability**

**6 Environmental crimes**

→4 から 6 は「国際行政論」の範囲と大幅に重複するため「国際環境法」では扱わない。もちろん、内容につき質問があれば受け付ける。