

TOWARDS THE ENVIRONMENTAL MINIMUM

Pervasive environmental harm that disproportionately impacts vulnerable members of society is left largely unregulated across the globe despite existing legal commitments to human rights and environmental protection in many states. To address this shortcoming, Stefan Theil proposes a new normative framework for environmental protection through human rights law. In clear and accessible prose, he demonstrates how such a human rights-based approach can strengthen environmental protection without requiring radical departures from established protection regimes and legal principles. The environmental minimum developed in the book translates the general and abstract commitments of states into specific and practical measures that protect the natural environment. The framework develops the doctrine of international, regional, and domestic courts, analysed through an innovative approach that improves contextual awareness. This book is thus a valuable resource for lawyers, social scientists, political theorists, environmental and human rights advocates.

Stefan Theil is a postdoctoral research fellow at the Faculty of Law, University of Oxford. He teaches and conducts research in public and constitutional law, environmental law, European Union law, as well as human rights, with a particular focus on freedom of expression. He writes and blogs frequently on current legal developments, often drawing comparisons between legal systems and reflecting on deepening European integration.

Towards the Environmental Minimum

ENVIRONMENTAL PROTECTION THROUGH
HUMAN RIGHTS

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For my parents and Lauren

Contents

<i>List of Figures</i>	page xi
<i>Acknowledgements</i>	xiii
<i>List of Abbreviations</i>	xvii
1 Introduction	1
1.1 Key Issues	1
1.2 Definitions	6
1.2.1 Environment	6
1.2.2 Human Rights	7
1.2.3 Environmental Rights	10
1.3 The Argument in a Nutshell	11
1.3.1 Environmental Human Rights	13
1.3.2 Principles of the Framework	15
1.3.3 Practical Viability	18
1.3.4 Beyond the European Convention	22
1.3.5 Contributions to Environmental Regulation	24
1.4 Methodology	25
1.4.1 European Convention on Human Rights	26
1.4.2 African Charter on Human and Peoples' Rights	30
1.4.3 Inter-American Human Rights	31
1.4.4 International Covenants	31
1.4.5 Conclusion	31
PART I INTRODUCING THE ENVIRONMENTAL MINIMUM	
2 Environmental Human Rights	35
2.1 Environmental Harm as a Threat to Human Rights	35
2.2 The Normative Claims of Environmental Human Rights	40

2.2.1	Human Dignity and Autonomy	41
2.2.2	Future Generations and Participation	43
2.2.3	Rights of Nature	45
2.3	Scepticism	48
2.3.1	Vagueness	48
2.3.2	Conflicts	52
2.4	Summary	56
3	The Environmental Minimum	59
3.1	Specific Risk Principle	60
3.1.1	Environmental Harm	60
3.1.2	Recognised Human Right	61
3.1.3	Reasonable Hypothesis	67
3.2	Minimum Standards	69
3.2.1	Legal Standards	69
3.2.2	Established Standards	81
3.2.3	Emerging Standards	83
3.2.4	Objections to Adjudication	92
3.2.5	Summary	104
3.3	Evidence	106
3.3.1	Burden of Proof and Causality	106
3.3.2	Evaluation of Scientific Evidence	109
3.4	Remedies	114
3.4.1	Legal Standards	114
3.4.2	Established Standards	116
3.4.3	Emerging Standards	116
3.5	Summary	117
PART II THE ENVIRONMENTAL MINIMUM UNDER THE ECHR		
4	Specific Risk Principle	123
4.1	Environmental Cases	123
4.1.1	Data Analysis	123
4.1.2	Convention Articles	129
4.2	Doctrinal Analysis	131
4.2.1	Early Environmental Cases	134
4.2.2	Modern Interpretation	140
4.2.3	Limitations	152
4.3	Summary	154

Contents

ix

5	Reasonable Hypothesis	156
	5.1 Victim Status	156
	5.2 Environmental Cases	159
	5.3 Limitations	163
	5.4 Summary	167
6	Minimum Standards	169
	6.1 Legal Standards	169
	6.1.1 Good Faith Regulation	169
	6.1.2 Enforcement	172
	6.2 Established and Emerging Standards	175
	6.3 Limitations	178
	6.3.1 Absence of Legal Standards	178
	6.3.2 Lack of Consistent Enforcement	180
	6.4 Summary	182
7	High Priority	184
	7.1 Environmental Cases	184
	7.1.1 Data Analysis	184
	7.1.2 Doctrinal Analysis	189
	7.2 Limitations	192
	7.2.1 Economic Benefits	192
	7.2.2 Margin of Appreciation Doctrine	194
	7.3 Summary	198
PART III BEYOND THE EUROPEAN CONVENTION		
8	International Protection Regimes	203
	8.1 The UN Covenants	203
	8.2 African Charter on Human and Peoples' Rights	206
	8.3 American Convention on Human Rights	209
	8.4 Summary	213
9	Environmental Constitutionalism	215
	9.1 South Africa	216
	9.1.1 Scope of Protection	218
	9.1.2 Limitations	223
	9.2 Germany	230
	9.2.1 Scope of Protection	231
	9.2.2 Limitations	236
	9.2.3 Air Pollution Litigation	238
	9.3 Summary	241

PART IV BEYOND HUMAN RIGHTS LAW

10	Environmental Regulation	247
	10.1 Regulations to Protect the Ozone Layer	248
	10.2 Asbestos and the Three Pathologies	249
	10.3 Contemporary Air Pollution	255
	10.3.1 Regulatory Inertia	256
	10.3.2 Industry Resistance & Regulatory Complicity	257
	10.4 Summary	261
11	International Environmental Law	263
	11.1 Climate Change	265
	11.1.1 Causality	266
	11.1.2 Temporal Constraints	272
	11.1.3 Geography	273
	11.1.4 Global Rights Commitment	274
	11.1.5 Conclusion	275
	11.2 Enforcement and Sustainable Development	275
	11.3 Summary	280
12	Conclusion and Outlook	282
	<i>Appendix: Data Methodology</i>	289
	<i>Bibliography</i>	301
	<i>Index</i>	321

Figures

1.1	The operation and structure of the environmental minimum	<i>page</i> 19
4.1	Number of environmental applications filed per thousand applications 1985–2014	125
4.2	Total number of applications filed per year 1985–2019	126
4.3	Environmental issues of cases in category 1	129
4.4	Number of environmental cases and violations per year in category 1 1960–2014	130
4.5	Number of successful invocations by Article in category 1	131
7.1	Number of successful invocations by Article in category 2	185
7.2	Number of environmental cases and violations per year in category 2 1960–2014	186
7.3	Nature of environmental regulations in category 2	188

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xv

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Abbreviations

ACHPR	African Charter on Human and Peoples' Rights
ACHR	American Convention on Human Rights
AfComHR	African Commission on Human and Peoples' Rights
AfCtHR	African Court of Human and Peoples' Rights
American Declaration	American Declaration on the Rights and Duties of Man
BGBI	<i>Bundesgesetzblatt</i> – German Federal Gazette
BGH	<i>Bundesgerichtshof</i> – German Federal Court of Justice
BGHZ	<i>Entscheidungen des Bundesgerichtshofes in Zivilsachen</i> – Official Law Report of the German Federal Court of Justice for Private Law Matters
BNatSchG	<i>Bundesnaturschutzgesetz</i> – German Federal Nature Conservation Act
BVerfG	<i>Bundesverfassungsgericht</i> – German Federal Constitutional Court
BVerfGE	<i>Entscheidungen des Bundesverfassungsgerichts</i> – Official Law Report of the German Federal Constitutional Court
BVerfGK	<i>Bundesverfassungsgericht (Kammerentscheidung)</i> – German Federal Constitutional Court (Chamber judgment)
BVerwG	<i>Bundesverwaltungsgericht</i> – German Federal Administrative Court

BVerwGE	<i>Entscheidungen des Bundesverwaltungsgerichts</i> – Official Law Report of the German Federal Administrative Court
CFC	chlorofluorocarbons
CoE	Council of Europe
COP	United Nations Climate Change Conference of Parties
dB	decibel, a logarithmic unit used to express the ratio of two values of a physical quantity
dBA	a decibel measurement of sound, achieved through use of the A weighting filter, which approximates a human ear's response to sound
dBA Leq	average continuous sound level on a logarithmic scale, given in decibel
dBA Lmax	highest RMS sound pressure level within the measuring period, given in decibel
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
EComHR	European Commission of Human Rights
ECtHR	European Court of Human Rights
EFSA	European Food Safety Authority
EU	European Union
GG	<i>Grundgesetz</i> – German Basic Law
Grand Chamber	Grand Chamber of the European Court of Human Rights
HRA	UK Human Rights Act 1998
HRC	UN Human Rights Council
IAComHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICJ Rep	International Court of Justice Reports of Judgments, Advisory Opinions and Orders
NGO	non-governmental organisation
NO ₂	nitrogen dioxide
OAU	Organisation of African Unity

List of Abbreviations

xix

Plenary	Plenary of the European Court of Human Rights (abolished)
PM ₁₀	fine particulate matter (10 µm or less)
PM _{2.5}	fine particulate matter (2.5 µm or less)
RMS	root mean square of a time-varying quantity, obtained by squaring the amplitude at each instant, obtaining the average of the squared values over the interval of interest, and then taking the square root of this average
SDGs	Sustainable Development Goals
UKHL	United Kingdom House of Lords
UKSC	Supreme Court of the United Kingdom
UN	United Nations
UN Rep Int'l Arb Awards	Reports of International Arbitral Awards
UNTS	United Nations Treaty Series
VCLT	Vienna Convention on the Law of Treaties
VwGO	<i>Verwaltungsgerichtsordnung</i> – German Code of Administrative Court Procedure
VwVfG	<i>Verwaltungsverfahrensgesetz</i> – German Administrative Procedure Act
WHO	World Health Organization
ZACC	South African Constitutional Court