

DOI: <https://doi.org/10.57125/FEL.2021.06.25.1>

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>



Environmental rights of citizens and legal safeguards for their protection: challenges for the future

Larysa Shevchuk

Candidate in Law, Associate Professor of the Department of Civil Law Disciplines, Faculty of Law,
Disciplines,

Lesya Ukrainka Volyn National University, University address: 13 Volia Avenue, Lutsk city, Volyn
region, 43025, Address of the Faculty of Law: 30 Vynnychenko Street (Building B), Lutsk city, Volyn
region, 43025, <https://orcid.org/0000-0002-7667-3872>, lmshevchuk@ukr.net

Abstract: The purpose of the study is to analyze the environmental rights of citizens and guarantees of their protection. To achieve the results of the study a systematic approach and various scientific methods were applied, in particular: dialectical, formal-logical, comparative-legal. As a result of the conducted research, the interrelation between international environmental law and the case law of the European Court of Human Rights concerning environmental rights was considered. The study analyzed the development of the case law of the European Court of Human Rights and concluded that the European Convention on Human Rights lacks a clear recognition of the right to a healthy environment. The importance of the environment for the realization of human rights has been proven to be widely recognized in international law. The assumption that a human right to a healthy environment can arise in international law raises a number of theoretical and practical problems for human rights, with such problems arising both within and outside the human rights debate. The quality of the natural environment has been found to affect the ability of governments to uphold numerous statutory human rights. The research concludes that human rights law can make a positive contribution to environmental protection, but the precise nature of the relationship between the environment and human rights requires a more critical and deeper analysis of environmental rights issues. The article analyzes the thesis regarding the guarantee of human rights to a safe environment.

Keywords: environmental rights, protection of rights, environment

Introduction

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

Legislation dealing with environmental problems is thought to only mitigate, and sometimes actually alleviate, harmful effects without addressing the root causes of planetary crises (Mai, & Boulot, 2021).

Many rights guaranteed by international human rights law are defined to include an environmental dimension. For example, the rights to a high attainable standard of health and an adequate standard of living depend on a certain level of environmental quality, and in some cases, environmental degradation or destruction is seen as a violation of these human rights. Many people, especially those living in poor communities or in developing countries, rely directly on the environment for their livelihood, and environmental problems such as pollution or global warming can directly interfere with their basic human rights. The environment often plays an integral role in the lives of indigenous communities. If the environment is damaged or destroyed, it can also affect a wide range of social and cultural rights.

International regulation of environmental issues is not a new phenomenon. Since the nineteenth and early twentieth centuries, one can find several precedents for what is now called international environmental law. The main characteristics of contemporary international environmental law are the focus on its protection, intended for human life and not just as a useful resource, the complexity of the legal methods developed to do so (Dupuy & Viñuales, 2018).

In light of the dichotomy: on the one hand of progressive and partly principled case law and, on the other hand, of recent departures from this jurisprudence in certain respects, it becomes relevant to consider what impact the potential proclamation of a right to a healthy environment in international law might have in the case law of the European Court of Human Rights. Such reasoning is bound to have an element of speculation, but in light of the recent work of the United Nations Special Rapporteur on Human Rights and the Environment, who found, among other things, that the relationship between human rights and the environment requires greater conceptual clarity, for this is a price to pay. The European Court of Human Rights in environmental rights proceedings plays an important role (Knox, & Pejan (Eds.), 2018).

Environmental protection and general human rights are linked in two main ways: one requires some level of environmental protection as a prerequisite for protecting the integrity of people, and the other protects the cultural connection between individuals, groups, and their environment (Le, 2020).

Research Problem

The problem of this study is that environmental problems, particularly pollution and climate change, are linked to economic, social, and cultural rights, including the rights to health and water. Procedural rights, such as the right to assemble, the right to expression, and the right to information, are critical to protecting the environment. Many constitutions and a number of regional human rights frameworks include a separate right to an adequate and healthy environment, noting the inextricable link between human rights and the environment. In the last few decades, human rights advocates have increasingly challenged actions that result in environmental harm and treated it as human rights violation before national and international courts or commissions. The Human Rights Court protects human rights to the environment.

Research Focus

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

Environmental rights, such as the right to a healthy environment and rights to nature, play an increasingly important role in global environmental governance and protection, often failing to respond to the articulation of fundamental experiences of injustice by communities, especially those affected by severe environmental degradation caused, for example, by the type of activity or the construction of major infrastructure projects.

Research Aim and Research Questions

The purpose of the study is to guide and inspire a systematic exploration of how society is preparing for accelerated climate change and the transformation of the earth's system, to provide answers to questions about protecting citizens' environmental rights, and to make sense of how environmental protection and general rights are interrelated.

Research Methodology

General Background

The basic methodological assumption in ecology is empiricism. In the philosophy of science, the empirical approach to research has been formulated in the so-called standard concept of theory building and verification. The fundamental idea of the standard concept of ecological human rights is that scientific theories are systems with empirical meaning or content, that is, they are able to describe, explain or foresee the observable behavior of their objects. This means that the statements of a theory are interpreted as describing or conforming to universal patterns of observed object behavior. In addition to these basic statements, theories consist of auxiliary statements necessary to derive empirical implications. Central among the auxiliary statements are the so-called operational definitions or correspondence rules, which, by linking theoretical concepts to observable quantities, give empirical meaning or content to the theory. Among the general scientific methods, the study applied forecasting and modeling, because thanks to them it is possible to consider the development of environmental rights. Analysis (both comparative and structural) involves the classification and systematization of basic rights to man in the environment with their transformation in the future.

Sample / Participants / Group

The study was conducted based on the analysis of scientific studies of human rights in the sphere of regulation of environmental relations. The main focus is on the study of the case law of the European Court of Human Rights on human rights to a safe environment.

Instrument and Procedures

The methodological basis of the research consists of general scientific and special methods of scientific knowledge, in particular, comparative-legal, system-structural, statistical, method of scientific analysis and generalization, and others. Methods and techniques of scientific research are characterized by complexity. Both general scientific and highly specialized methods were used in the work.

To achieve the results of the study a systematic approach and various scientific methods were used, namely, the dialectical method made it possible to establish the relationship between human rights to a safe environment and other related categories. The formal-logical method was applied when defining

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

the main concepts and categories that make up the content of the study; the method of system-structural analysis was applied when determining the place of environmental human rights in the system of general rights. At the research of the case-law practice the comparative-legal method was mainly applied.

Data Analysis

These studies were developed using additional doctrinal methods of scientific knowledge. The study analyzed key information about the state of the environment and its impact on humans. It was learned that environmental pollution leads to the violation of the fundamental rights to a safe environment. The analysis was conducted on a specific type of environmental measures - the regulation of permissible production technologies and taxes that increase the costs of production in the sectors of trade goods.

Research Results

Environmental law is inextricably linked to the environment. In turn, the term “environment” permeates scientific, political, and media discourses, but remains obscure (Dupuy & Viñuales, 2018).

The term “environment” can be characterized on a scientific level, or more precisely, through the lens of ecology.

The challenges facing international environmental law have played an important role in shaping not only its organizational features but also the processes by which environmental norms are created. The complex array of different state interests, the need to institutionalize environmental negotiations or the significant role played by non-state actors in the development and implementation of environmental norms - these have influenced the sources of international environmental law. However, this impact cannot be understood without also considering an additional challenge that has a much stronger impact on environmental regulation than any other branch of international law, namely the need to cope with scientific and technological advances (Dupuy. & Viñuales, 2018).

Governments around the world prioritize human health and well-being. Local, state, regional, and international government agencies put health at the top of the political agenda. Human health crises, along with economic and security issues, dominate domestic and international legal debates. For more than six decades, the international community has recognized the human right to health in international human rights law. The United Nations (UN) General Declaration of Human Rights, adopted in 1948, declares that everyone has the right to an adequate standard of living, including food, clothing, housing necessary for the health and well-being of himself, his family, and medical care. The Constitution of the World Health Organization (WHO) affirms that the enjoyment of the highest attainable standard of health is a fundamental right of every human being (Carlarne & Depledge, 2019).

International law defines legitimate human rights to protect human health and life. However, it provides no formal mechanism for recognizing a direct or indirect link between environmental quality and human health, despite the general recognition that human health is directly related to the quality of surrounding ecosystems, such as water quality, air quality, , sanitation, agricultural productivity, and control of chemicals and toxic substances (Carlarne & Depledge, 2019)

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

However, the human right to health continues to be divorced from explicit recognition of human-ecosystem interactions, raising concerns about the deficit of this right (Carlarne & Depledge, 2019).

Climate change exacerbates existing health crises and adds new complexities to the relationship between environmental quality and human health. This also shows the need for a more detailed examination and disclosure of the concept of environmental quality. The term “environmental quality” includes the notion of threats to the environment and by extension to human health—from pollutants, radiation, and infectious agents, but does not take into account the less obvious but equally important losses of ecosystem services that result from ecosystem degradation. The loss of ecosystem services, including the loss of aesthetic value, which turns out to be important to psychological and physical well-being. Using this more inclusive definition of environmental quality reveals further connections between environmental quality and human health in the context of climate change (Carlarne & Depledge, 2019).

Human rights are limited, and they are dictated by resource constraints and local priorities. The right to health is widely considered at the population level, and health resources cannot be misappropriated for personal gain. Rights become tangible only when the party concerned accepts the role of duty-bearer and recognizes the obligation to respect, protect and fulfill recognized rights. Fiscal pressures dominate decisions about the amount of content of rights, but other factors, particularly community expectations, entrenched attitudes, and sectoral dominance in the health care system, can strongly influence resource allocation choices (Jean, Kruger, & Lok, 2021).

The UN Human Rights Committee has adopted various general comments related to the environment and sustainable development, including General Comments 14 and 15 interpreting Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights as including access to sufficient, safe, and affordable water for domestic use; the prevention and reduction of exposure to harmful substances, including radiation and chemicals, or other harmful environmental conditions that directly or indirectly affect human health. These are useful and important interpretations that have also had some impact on related areas of international law. For example, Article 10 of the UN Watercourses Convention, which gives priority to vital human needs in the allocation of scarce water resources. The commentary of the UN 6th Committee to the Watercourses Convention indicates that, in determining vital human needs, special attention should be given to providing sufficient water to sustain human life, including both drinking water and water necessary for food production in order to prevent starvation. (Morris & M.-Christiane Bourloyannis-Vrailas, 1997).

From this perspective, existing economic and social rights help guarantee some of the indispensable attributes of a decent environment.

But not all environmental rights are contained in core human rights treaties. The most obvious example is the UNECE's Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters. The preamble not only recalls Principle 1 of the Stockholm Declaration and recognizes that adequate protection of the environment is essential to human well-being and to the exercise of fundamental human rights, including the right to life itself, but also affirms that everyone has the right to live in an environment that is consistent with his health and well-being, as well as the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations (United Nations, 2001).

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

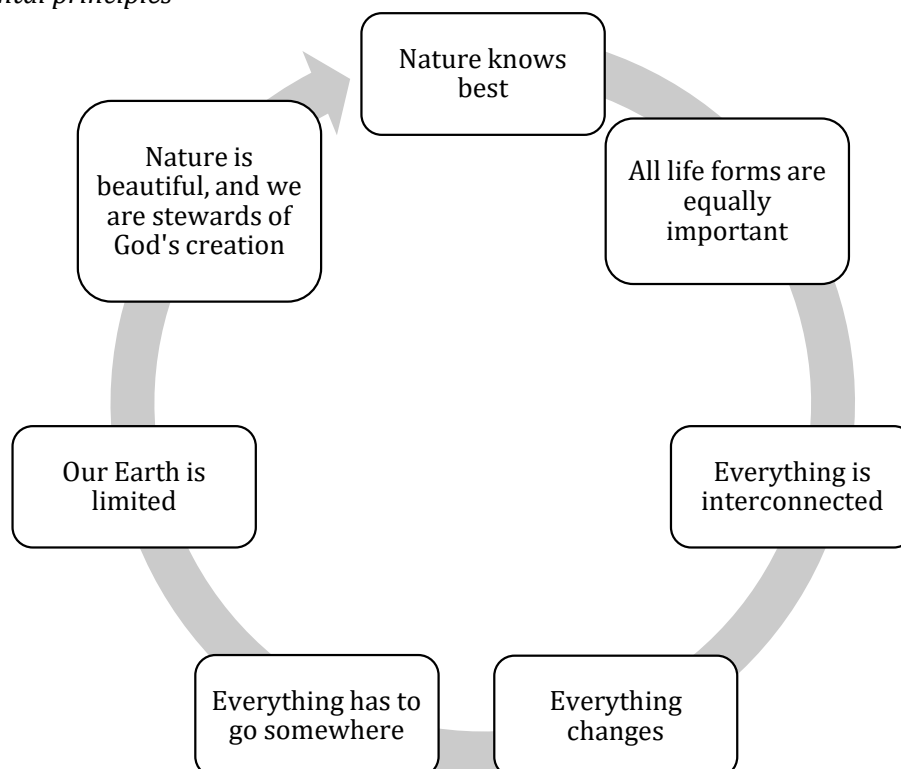
In the legal sphere, there are mechanisms or legislative instruments that can lead to the imposition of such “harsh” (and costly) regulatory restrictions on production processes that are harmful to the environment, which in turn violate human rights. The REACH (Registration, Evaluation, Authorisation, and restriction of Chemicals) regulation, which bans certain chemicals that can be produced or used in manufacturing, is one such example (Commission Regulation 1907/2006/EC of Dec. 18, 2006, Concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, Establishing a European Chemicals Agency, as cited in McDougall, 2021).

Mention must also be made of the EU Environmental Liability Directive, which ostensibly obliges member states to impose obligations to remedy damage to economic entities that cause such damage during their productive activities. Another example is the Industrial Emissions Directive (IED), which applies to production in excess of regulatory limits in the energy industry, metal production and processing, mineral industry, chemical industry, waste management, and other activities, including industrial paper or cardboard production and intensive poultry or pig farming. Under the IED, member states are required to issue permits that set conditions and limits on emissions of certain specified Control) pollutants, as listed in McDougall, 2021).

Human rights and the environment are inextricably linked: a safe, clean, healthy, and permanent environment is essential for the exercise of human rights, while a polluted, dangerous, and otherwise unhealthy environment potentially violates established human rights. These rights are inextricably linked to environmental principles (Figure 1):

Figure 1

Environmental principles



How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

Source: Own development by the authors

The European system of human rights protection has recently been used by international organizations and society to solve environmental problems.

The right to a healthy environment (in various forms) is now explicitly provided for in regional human rights and environmental instruments, as well as in the domestic constitutions of countries.

Despite the absence of any reference to the environment in the European Convention on Human Rights, the European Court of Human Rights has still been able to identify a detailed and extensive body of case law on human rights to a safe environment.

Thus, as early as 1991, the European Court of Human Rights in the *Fredin* case emphasized that environmental protection was becoming increasingly important in modern society (Pedersen, 2018).

This point is not in doubt now, so much so that in the recent case *Dubetska and others v. Ukraine*, the Ukrainian government did not deny that it had an obligation to address environmental problems under the Convention (*Dubetska and others v. Ukraine*, No. 30499/03 (European Court of Human Rights, 2011), p. 95. as cited in Pedersen, 2018).

The Court's case law is now expanding on industrial pollution, noise, natural disasters, and flooding. Importantly, liability under the European Convention on Human Rights can now be triggered by the existence of a risk of harm, as opposed to applying the Convention to cases involving the award of pecuniary damages.

The Court is much more likely to rule against a state if the respondent state has not somehow implemented, applied, or complied with its own domestic environmental standards and regulations. The court is more likely to uphold an environmental claim based on a rule of law type argument (Pedersen, 2018).

The European Court of Human Rights has increasingly sought to emphasize that its jurisdiction is that of an international court as opposed to a domestic court hearing the full case. Thus, the Court has made clear that by invoking its independent doctrine of discretion when it comes to environmental decision-making, treaty states enjoy a wide degree of discretion, so the Court's jurisdiction is primarily one of oversight (Pedersen, 2018).

The subject matter of the European Court of Human Rights may not necessarily be pecuniary damages if environmental human rights have been violated, but also situations in which there is a risk of such damages. One notable example is the case of *Branduche v. Romania*, where the applicant complained of the risks he had been exposed to as a result of being imprisoned in a prison near a landfill site. Although he was not physically injured, the Court held that the applicant was entitled to information that would enable him to assess the specific environmental risks associated with the landfill (*Brândușe v. Romania*, No. 6586/03 (European Court of Human Rights, 2009), as cited in Pedersen, 2018).

In the following cases, notably *Tătar v. Romania*, the Court held that if individuals are exposed to material risks (pollution or natural hazards), the government in charge must introduce regulatory initiatives governing the licensing, launching, operation, and control of dangerous activities, including

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

appropriate public inquiries and studies to enable the public to assess the risks and consequences associated with the activities in question (Tătar v. Romania, p. 88., as cited in Pedersen, 2018)

No one is preventing the European Court of Human Rights from developing its case law on the regulation of environmental rights. It can be argued that the absence of a clear and specific right to a healthy environment in international law has a negative impact on the jurisprudential development of such a right. It seems that international courts and tribunals have so far contributed significantly more to the development of the environmental rights agenda than international treaty organizations since there is little likelihood that a right to a healthy environment will be adopted in a global agreement. It is useful to analyze what impact such a right might have on the European Court of Justice and its case law on environmental rights.

A possible practical analysis can be obtained by examining how the Court has so far interacted with international law in general and international environmental law. From this, it quickly and unexpectedly becomes apparent that the Court does rely on international law when interpreting the Convention. Thus, in *Loizid v. Turkey*, the Court held that the Convention must be interpreted in light of the rules of interpretation, that is, as the Vienna Convention on the Law of Treaties, and that this includes any relevant rules of international law applicable as between the parties. Moreover, when it comes to specific sets of the Court's jurisprudence, there is evidence to show that the Court is particularly keen to use international law as a basis for interpretation. (*Loizidou v. Turkey*, No. 15318/89 (European Court of Human Rights, 1996), p. 43., as cited in Pedersen, 2018).

Discussion

Carlarne and Depledge (2019) point out that the projected effects of climate change on human health call into question the difference between the human right to health and the offer of an internationally recognized human right to a healthy environment. They note that the relationship between climate change and support for human health is increasingly recognized by prominent international organizations such as the WHO, which states that the sustainable health of any population over time requires a stable and productive natural environment that yields guaranteed food and fresh water supplies, has a relatively constant climate in which climate-sensitive physical and biological systems do not change for the worse and preserves biodiversity. A stable and equitable social environment (i.e., "social capital") is also fundamentally important for public health.

It should be noted that WHO is not the only international organization looking at the links between climate change and threats and entrenched human rights, in particular the human right to health. The link between climate change and human rights often becomes the basis for legal challenges in the international arena (Carlarne and Depledge, 2019).

Human rights are principles that define personal freedoms and rights (United Nations General Assembly. Universal Declaration of Human Rights. Geneva, Switzerland: United Nations, 1948, as cited in Jean et al., 2021).

The Universal Declaration of Human Rights is a modern statement on human rights developed by the UN in an attempt to achieve global agreement on a set of standards defining acceptable relationships between citizens and the state. 1948, as cited in Jean et al., 2021).

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

Rights generally fall into two categories. Civil and political rights concerning freedoms, including respect for the right to life, protection from abuse of state power, and respect for individual liberty. And economic, social, and cultural rights concerning rights, including the basic requirements for a decent life. Economic, social, and cultural rights, based on equality and inclusiveness, require that the needs of all members of society be met. This group of rights includes the right to shelter, clean water, sanitation, and food requirements (Jean et al., 2021).

It should be noted that the right to health is a social right. Human rights are given legal protection in international law through agreements developed by the UN.

The main agreements are the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights. Civil and political rights are subject to immediate implementation, while economic social, and cultural rights are subject to progressive realization with available resources. Rights do not exist in isolation and are interrelated and inalienable. For example, the right to health (social right) is essential to the realization of the right to live in dignity (civil right) (Jean et al., 2021).

Ratification of a UN human rights treaty gives governments the power to guarantee the recognition of rights. Signatories are required to incorporate the UN agreements into national law. Some countries incorporate a comprehensive bill of rights into national constitutions; others either have legal frameworks that automatically apply international agreements in national law or enact legislation reflecting UN agreements. Countries may make declarations about how the articles will be interpreted locally and write reservations about the content of the rights. In addition, not all countries that have ratified UN agreements have fully incorporated UN human rights into national law. The UN is unable to enforce domestic human rights law, and the lack of norms in national law weakens the obligation of governments to establish policies and regulations to oversee the protection of rights (Jean et al., 2021).

Land rights encourage long-term investment in land. This applies to communities, households, and individuals. Communities with protected rights to their common property will manage them sustainably, such as by planting and protecting trees or limiting grazing, which will help preserve the earth. A new special report by the Intergovernmental Panel on Climate Change and Land states that unprotected tenure and limited government recognition of customary land rights can lead to increased vulnerability and reduced ability to adapt to climate change, but also recognizes that customary tenure can provide both security and flexibility in responding to climate change. Numerous studies have shown that women and men with more secure farm ownership are more likely to invest in sustainable land management practices, such as planting trees or terraces and checking levees to preserve soil and control water. Studies in Nigeria and Uganda have shown that freehold landowners are more likely to adopt practices such as agroforestry than landowners with less secure tenure systems. However, tenure security is not only determined by formal land title, it also depends on landowners' perceptions. Research has shown that farmers who hold land under traditional tenure may perceive the security of tenure and invest as much as those who hold land under formal freehold tenure (Voices, 2019).

By often forging productive alliances with environmental organizations, indigenous communities have helped spread the debate about the need for both social and environmental justice. The latter has generated discussion about the potential for establishing legal rights to nature, and this has often focused on rivers and their welfare. The concept has long historical roots. In 1993, in the Great Apes Project, initiated by philosophers Paola Cavalieri and Peter Singer, taking as their model the 1948

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

UN Declaration of Human Rights, they argued that “inhuman hominids” should enjoy the right to life, liberty, not succumbing. Their work convinced the governments of Spain, Britain, and New Zealand to ban scientific experiments on “superior” primates, laid the foundations for the modern animal rights movement, and highlighted the increasingly urgent need to protect inhuman creatures and ecosystems (Strang, 2020).

By setting only limits on human activities, conventional environmental laws can legalize rather than prevent environmental harm. The literature on environmental impact assessment shows that despite decades of practice, assessments rarely result in significant changes in development plans. Concepts such as “sustainable development,” “blue economy,” and the human right to a healthy environment ostensibly promote a more rational balance between environmental, economic, and social factors, but have done little to change. In contrast, the Right of Nature approaches aim to develop governance systems that preserve ecological integrity and prevent ecosystem disruption. From a Rights of Nature perspective, legal systems should recognize nature as a subject bearing rights, not as an object owned and controlled by humans. Although the motivation, scope, and modality of laws and approaches regarding rights to nature vary considerably, they all share one basic premise: nature has inalienable rights to exist, develop, and perform ecological functions. Thus, the rights-of-nature approach provides an alternative philosophical starting point, basing governance on the assumption that the rights of the living world must be respected and that human activities must be managed in such a way as to prevent the destruction of nature. Rights to nature are recognized in legal provisions at both the national and subnational levels. Such laws are diverse, often reflecting local cultural traditions and varying in scope. Most recognize that people are an integral part of nature with a shared responsibility to respect and protect natural systems. They have included a number of innovative implementation mechanisms that seek to give nature a voice and ensure community participation in decision-making in order to respect cultural connections, maintain public welfare, and protect ecological integrity. Rights of nature have also been discussed at regional and global levels. Since the 2009 UN General Assembly (UNGA) resolution, annual reports on Harmony with Nature have documented the rapid growth of nature rights laws and related initiatives. Rights of nature have also been highlighted in other UNGA resolutions, including in conjunction with climate justice and the protection of biodiversity, access to knowledge, and economic, social, and technological progress in harmony with nature. A draft Universal Declaration of the Rights of Nature was created by hundreds of civil society organizations in 2010 to strengthen human responsibilities to nature and society's shared vision of global challenges, such as climate change (Harden-Davies, Harriet & Humphries, Fran & Maloney, Michelle & Wright, Glen & Gjerde, Kristina & Vierros, Marjo, 2020).

Conclusions and Implications

The links between environmental quality and human rights are many and varied. The quality of the natural environment affects the ability of governments to uphold numerous established human rights, including the rights to health, life, liberty, personal security, an adequate standard of living, livelihood, culture, access to information, and freedom of information. All of these rights can be violated by normal environmental changes or climate changes.

The language of rights and the notion of environmental rights seem at first to be exclusive to theoretical legal discourse, but the legal connection between the environment and human rights, such as the human

DOI: <https://doi.org/10.57125/FEL.2021.06.25.1>

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

right to health, raises broad questions about the responsibilities not only of lawyers and politicians but also of scientists to identify the links between environmental change and human health, to communicate these connections and to determine the appropriate role of scientists in helping politicians to form sound, general policy.

Acknowledgements

The authors would like to thank the following environmental law scholars for their encouragement and critical insights during the writing of this study.

References

- Carlarne C. & Depledge M.H. (2019). Climate Change, Environmental Health, and Human Rights. *Encyclopedia of Environmental Health* (Second Edition), 653-660. <https://doi.org/10.1016/B978-0-12-409548-9.11689-6>.
- Dupuy P.-M. & Viñuales Jorge E. (2018). *International environmental law* (2nd ed.). Cambridge University Press.
- Harden-Davies, Harriet & Humphries, Fran & Maloney, Michelle & Wright, Glen & Gjerde, Kristina & Vierros, Marjo. (2020). Rights of Nature: Perspectives for Global Ocean Stewardship. *Marine Policy*. 122. 104059. <https://doi.org/10.1016/j.marpol.2020.104059>.
- Jean, G., Kruger, E., & Lok, V. (2021). Oral Health as a Human Right: Support for a Rights-Based Approach to Oral Health System Design. *International dental journal*, 71(5), 353-357. <https://doi.org/10.1016/j.identj.2020.12.021>
- Knox, J., & Pejan, R. (Eds.). (2018). *The Human Right to a Healthy Environment*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108367530>.
- Le Moli, G. (2020). The human rights committee, environmental protection, and the right to life. *International and Comparative Law Quarterly*, 69(3), 735-752. <https://doi.org/10.1017/S0020589320000123>
- Mai, L., & Boulot, E. (2021). Harnessing the transformative potential of Earth System Law: From theory to practice. *Earth System Governance*, 7, 100-103. <https://doi.org/10.1016/j.esg.2021.100103>.
- McDougall, P. (2021). The Place of Labor Rights in the European Union's Environmental Policies. *German Law Journal*, 22(1), 1-30. <https://doi.org/doi:10.1017/glj.2020.103>
- Morris, V., & M.-Christiane Bourloyannis-Vrailas. (1997). The Work of the Sixth Committee at the Fifty-first Session of the UN General Assembly. *The American Journal of International Law*, 91(3), 542-554. <https://doi.org/10.2307/2954191>
- Pedersen, O. W. (2018). The European Court of Human Rights and International Environmental Law. Chapter 5 in John H Knox and Ramin Pejan (eds), *The Human Right to a Healthy Environment (CUP 2018)*, <http://dx.doi.org/10.2139/ssrn.3196971>

DOI: <https://doi.org/10.57125/FEL.2021.06.25.1>

How to cite: Shevchuk, L. (2021). Environmental rights of citizens and legal safeguards for their protection: challenges for the future. *Futurity Economics & Law*, 2(1). <https://doi.org/10.57125/FEL.2021.06.25.1>

Strang, V. (2020). Re-imagining the River: New Environmental Ethics in Human Engagements with Water. *One Earth* 2(3), 204-206. <https://doi.org/10.1016/j.oneear.2020.02.011>.

United Nations (2001). *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*. Retrieved from: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27

Voices. (2019). Land rights in sustainability. *One Earth*, 1 (2) (2019), pp. 155-158, <https://doi.org/10.1016/j.oneear.2019.09.005>