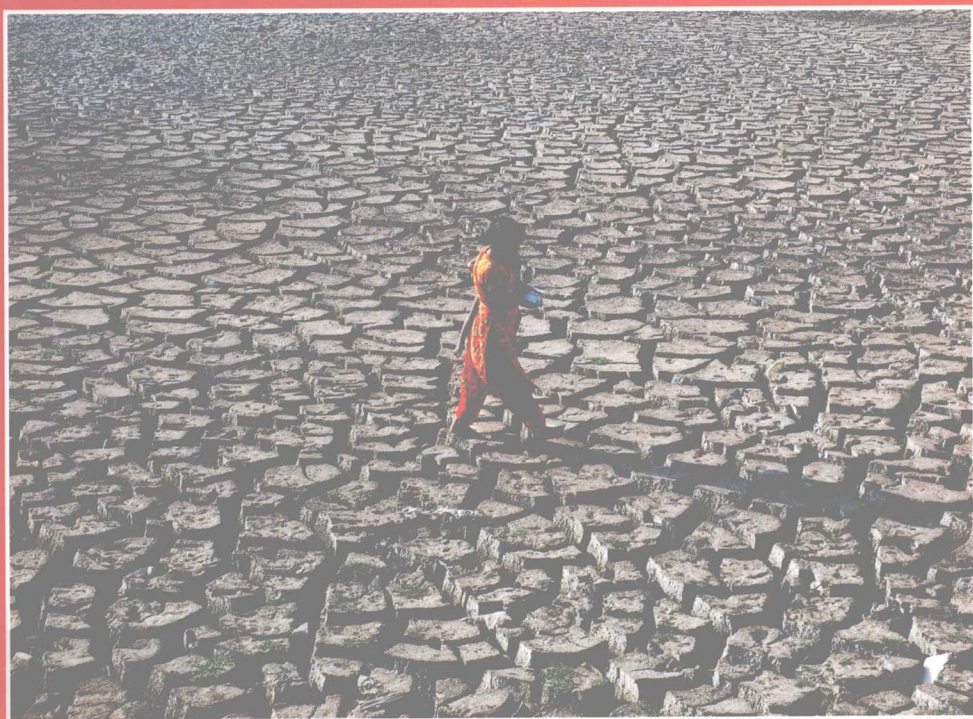


OXFORD

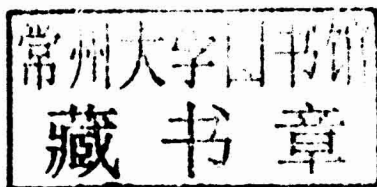
Environmental Law Dimensions of Human Rights



Edited by
Ben Boer

Environmental Law Dimensions of Human Rights

Edited by
BEN BOER



OXFORD
UNIVERSITY PRESS

OXFORD

UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

© The several contributors 2015

The moral rights of the authors have been asserted

First Edition published in 2015

Impression: 1

All rights reserved. No part of this publication may be reproduced, stored in
a retrieval system, or transmitted, in any form or by any means, without the
prior permission in writing of Oxford University Press, or as expressly permitted
by law, by licence or under terms agreed with the appropriate reprographics
rights organization. Enquiries concerning reproduction outside the scope of the
above should be sent to the Rights Department, Oxford University Press, at the
address above

You must not circulate this work in any other form
and you must impose this same condition on any acquirer

Crown copyright material is reproduced under Class Licence
Number C01P0000148 with the permission of OPSI
and the Queen's Printer for Scotland

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2014951234

ISBN 978-0-19-873614-1

Printed and bound by
CPI Group (UK) Ltd, Croydon, CR0 4YY

Links to third party websites are provided by Oxford in good faith and
for information only. Oxford disclaims any responsibility for the materials
contained in any third party website referenced in this work.

The Collected Courses of the Academy of European Law

Series Editors: Professor Loïc Azoulay,
Professor Nehal Bhuta,
Professor Marise Cremona
European University Institute, Florence

Assistant Editor: Anny Bremner
European University Institute, Florence

VOLUME XXIII/1 Environmental Law Dimensions of Human Rights

The Collected Courses of the Academy of European Law
Edited by Professor Loïc Azoulay,
Professor Nehal Bhuta, and Professor Marise Cremona
Assistant Editor: Anny Bremner

Each year the Academy of European Law in Florence, Italy, invites a group of outstanding lecturers to teach at its summer courses on Human Rights law and European Union law.

A 'general course' is given in each of the two fields by a distinguished scholar or practitioner, who examines the field as a whole through a particular thematic, conceptual, or philosophical lens, or looks at a theme in the context of the overall body of law. In addition, a series of 'specialized courses' brings together a group of highly qualified scholars to explore and analyse a specific theme in relation to Human Rights law and EU law.

The Academy's mission, to produce scholarly analyses which are at the cutting edge of these two fields, is achieved through the publication of this series, the Collected Courses of the Academy of European Law.

Table of Cases

UNITED KINGDOM CASES

R (ClientEarth) v. Secretary of State for Environment, Food and Rural Affairs [2011] All ER (D) 115 (Dec) (QB)	124
R (ClientEarth) v. Secretary of State for Environment, Food and Rural Affairs [2012] EWCA Civ. 897	124

EUROPEAN CASES

General Court

Arcelor v. European Parliament and Council (Case T-16/04) [2010] ECR II-211 (GC)	116
Azores v. Council (Case T-37/04) [2008] ECR II-103.	116
Buzzi v. Commission (Case T-241/07) [2008] ECR II-234	116
Commission v. Jégo-Quéré (Case T-177/01) [2002] ECR II-02365 (GC)	114, 116
Danielsson and others v. Commission (Case T-219/95R) [1995] ECR II-3051 (GC).	112
EEB and Stichting Natuur en Milieu (Joined Cases T-236/04 and T-241/04) [2005] ECR II-4945 (GC)	117
EEB and Stichting Natuur en Milieu v. Commission (Case T-94/04) [2005] ECR II 4919	116
Enviro Tech v. Commission (Case T-291/04) [2011] ECR II-0828	116
Greenpeace and others v. Commission (Case T-583/93) [1995] ECR II-2205 (GC).	111, 112
Inuit Tairiit Kanatami and others v. European Parliament and Council (Case T-18/10) [2011] ECR II-05599.	116
Norilsk Nickel v. Commission (Case T-532/08) [2010] ECR II-3959	116
Stichting Natuur en Milieu and others v. Commission (Case T-338/08) CJEU, Judgment of 14 June 2012 (not yet published)	118
Union de Pequenos Agricultores (Case T-173/98) [1999] ECR II-3357 (GC)	113, 116
Union nationale de l'apiculture v. Commission (Case T-403/07) [2008] ECR II-239	116
Vereniging Milieudefensie and others v. Commission (Case T-396/09) CJEU, Judgment of 14 June 2012 (not yet published)	118
WWF-UK v. Council (Case T-91/07) [2008] ECR II-81 (GC)	117

Court of Justice of the European Union

ADBHU (Case C-240/83) [1985] ECR 531	121, 127
Azores v. Council (Case C-444/08P) [2009] ECR I-200	116
Boxus and others (Joined Cases C-128/09 to C-131/09, C-134/09, and C-135/09) [2011] ECR I-09711	130
Buralux and others v. Council (Case C-209/94P) [1996] ECR I-615	110
Commission v. Council (Case 22/70) [1971] ECR 263	120
Commission v. Jégo-Quéré (Case C-263/02P) [2004] ECR I-3425	114, 115, 116
Council v. European Parliament (Case 34/86) [1986] ECR 2155.	109
Deutz and Geldermann v. Council (Case C-26/86) [1987] ECR I-941.	110

European Parliament v. Council (Case C-70/88) [1990] ECR I-2041	109
Germany v. Commission (Case C-240/90) [1992] ECR I-5383	117
Greece v. Council (Case C-62/88) [1990] ECR I-1527	120
Greenpeace and others v. Commission (Case C-321/95P) [1998] ECR II-1651	111, 123
Krizan and others (Case C-416/10) CJEU, Judgment of 15 January 2013 (not yet published)	130
Le Poumon vert de La Hulpe and others (Joined Cases C-177/09–179/09) [2011] ECR I-00173	130
Les Verts v. European Parliament (Case 294/83) [1986] ECR 1339	109
Lesoochránárske zoskupenie (Case C-240/09) [2011] ECR I-1255	129
Plaumann v. Commission (Case 25/62) [1963] ECR 95	110, 111, 113, 116, 117, 132
Sahlstedt and others v. Commission (Case C-362/08P) [2009] ECR I-2903	116
Société pour l'exportation de sucre (Case 132/77) [1978] ECR 1061	117
Solvay and others (Case C-182/10) CJEU, Judgment of 16 February 2012 (not yet published)	130
Toyo Bearing v. Council (Case 113/77) [1979] ECR 1185	117
TWD Textilwerke Deggendorf GmbH v. Bundesrepublik Deutschland (Case C-188/92) [1994] ECR I-833	117
Union de Pequenos Agricultores (Case C-50/00P) [2002] ECR I-6677	113, 114, 116
WWF-UK v. Council (Case C-355/08P) [2009] ECR I-73	116, 117
European Court of Human Rights	
Al-Skeini and others v. United Kingdom, Appl. No. 55721/07, ECtHR (Grand Chamber), Judgment of 7 July 2011	231, 232, 233
Animal Defenders International v. the United Kingdom, Appl. No. 48876/08, ECtHR, Judgment of 22 April 2013	79
Asselbourg and Others v. Luxembourg, Appl. No. 29121/95, ECtHR, Decision of 29 June 1999	90
Association Greenpeace France v. France, Appl. No. 55243/10, ECtHR, Decision of 13 December 2011	91
Atanasov v. Bulgaria, Appl. No. 12853/03, ECtHR, Judgment of 2 December 2010	88, 89, 91, 92, 98
Băcilă v. Romania, Appl. No. 19234/04, ECtHR, Judgment of 30 March 2010	86
Banković and others v. Belgium and others, Appl. No. 52207/99, ECtHR (Grand Chamber), Decision on Admissibility of 12 December 2001	231, 233
Bladet Troms and Stensaas v. Norway, Appl. No. 21980/93, ECtHR, Judgment of 20 May 1999	77
Budayeva and Others v. Russia, Appl. Nos. 15339/02, 21166/02, 20058/02, 11673/02, and 15343/02, ECtHR, Judgment of 20 March 2008	84, 204, 232
Collectif national d'information et d'opposition à l'usine Melox—Collectif Stop Melox et Mox v. France, Appl. No. 75218/01, ECtHR, Decision of 28 March 2006	87
Cyprus v. Turkey, Appl. No. 25781/94, ECtHR (Grand Chamber), Judgment of 10 May 2001	231, 233
Demir and Baykara v. Turkey, Appl. No. 34503/97, ECtHR (Grand Chamber), Judgment of 12 November 2007	86, 87, 212
Di Sarno and Others v. Italy, Appl. No. 30765/08, ECtHR, Judgment of 10 January 2012	85, 86, 87
Fadeyeva v. Russia, Appl. No. 55723/00, ECtHR, Judgment of 9 June 2005	74, 85, 87, 88, 92, 204, 210, 211, 232
Fägerskiöld v. Sweden, Appl. No. 37664/04, ECtHR, Decision on Admissibility of 26 February 2008	92, 223

Fredin v. Sweden (No. 1), Appl. No. 12033/86, ECtHR, Judgment of 18 February 1991.	97
Giacomelli v. Italy, Appl. No. 59909/00, ECtHR, Judgment of 2 November 2006.	83, 85
Grimkovskaya v. Ukraine, Appl. No. 38182/03, ECtHR, Judgment of 21 July 2011.	87
Guerra and Others v. Italy, Appl. No. 14967/89, ECtHR, Judgment of 19 February 1998.	74, 80, 82, 89, 204, 214, 215, 232
Hardy and Maile v. the United Kingdom, Appl. No. 31965/07, ECtHR, Judgment of 14 February 2012.	84
Hatton and Others v. United Kingdom, Appl. No. 36022/97, ECtHR, Judgment of 8 July 2003.	83, 88, 216, 223, 224, 225, 236, 238
Ilaşcu and others v. Moldova and Russia, Appl. No. 48787/99, ECtHR (Grand Chamber), Judgment of 8 July 2004.	231, 233
Issa and others v Turkey, Appl. No. 31821/96, ECtHR (Grand Chamber), Judgment of 16 November 2004.	231, 233
Koretskiy and Others v. Ukraine, Appl. No. 40269/02, ECtHR, Judgment of 3 April 2008.	77
Kyrtatos v. Greece, Appl. No. 41666/98, ECtHR, Judgment of 22 May 2003.	88, 92, 218, 220
Loiseau v. France, Appl. No. 46809/99, ECtHR, Decision of 18 November 2003.	80
López Ostra v. Spain, Appl. No. 16798/90, ECtHR, Judgment of 9 December 1994.	74, 92, 204, 214, 215, 232
McGinley and Egan v. the United Kingdom, Appl. Nos. 21825/93 and 23414/94, ECtHR, Judgment of 9 June 1998.	88
Öcalan v. Turkey, Appl. No. 46221/99, ECtHR, Judgment of 12 March 2003.	212, 231, 233
Okay and Others v. Turkey, Appl. No. 36220/97, Judgment of 12 July 2005.	91
Öneryildiz v. Turkey, Appl. No. 48939/99, ECtHR, Judgment of 30 November 2004.	83, 84, 204, 211, 215, 232
Pine Valley Developments Ltd and Others v. Ireland, Appl. No. 12742/87, ECtHR, Judgment of 29 November 1991.	97
Roche v. the United Kingdom, Appl. No. 32555/96, ECtHR, Judgment of 19 October 2005.	88
Sdružení Jihočeské Matky v. Czech Republic, Appl. No. 19101/03, ECtHR, Decision of 10 July 2006.	81, 90, 91
Soering v. UK, Appl. No. 14038/88, ECtHR, Judgment of 7 July 1989.	212
Steel and Morris v. the United Kingdom, Appl. No. 68416/01, ECtHR, Judgment of 15 February 2005.	78
Stoll v. Switzerland, Appl. No. 69698/01, ECtHR, Judgment of 10 December 2007.	77, 82
Társaság a Szabadságjogokért v. Hungary, Appl. No. 37374/05, ECtHR, Judgment of 14 April 2009.	81, 82
Taşkin and Others v. Turkey, Appl. No. 46117/99, ECtHR, Judgment of 10 November 2004.	83, 86, 87, 204, 215, 216, 225, 232
Tătar v. Romania, Appl. No. 67021/01, ECtHR, Judgment of 27 January 2009.	83, 87, 204, 215, 216, 232
Thoma v. Luxembourg, Appl. No. 38432/97, ECtHR, Judgment of 29 March 2001.	77
Vides Aizsardzības Klubs v. Latvia, Appl. No. 57829/00, ECtHR, Judgment of 27 May 2004.	78

Youth Initiative for Human Rights v. Serbia, Appl. No. 48135/06, ECtHR, Judgment of 25 June 2013	81, 91
Zeleni Balkani v. Bulgaria, Appl. No. 63778/00, ECtHR, Judgment of 12 April 2007	77

INTERNATIONAL CASES

African Commission on Human and Peoples' Rights

Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya, Comm. No. 276/2003 (25 November 2009)	69, 99
Ogoniland case <i>See below</i> Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria, African Commission on Human and Peoples' Rights	
Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria, African Commission on Human and Peoples' Rights, Case No. ACHPR/COMM/AO44/1 (27 October 2001) (Ogoniland case)	12, 203, 210, 211, 215, 216, 219, 224, 225, 233

Arbitral Awards

Belgium v. Netherlands ('Iron Rhine Case'), Permanent Court of Arbitration, Award of the Arbitral Tribunal, 24 May 2005	223
Mondev International Ltd. v. USA, ICSID Case No. ARB/(AF)/99/2, Award (11 October 2002)	39
Trail Smelter Arbitration, reprinted in 33 AJIL (1939) 182 and 35 AJIL (1941) 684	163

India

M.C. Mehta and Anr v. Union Of India & Ors., (1987) AIR 1086, Supreme Court of India, 20 December 1986	172
---	-----

Inter-American Commission on Human Rights

Armando Alejandro Jr., Carlos Costa, Mario de la Pena y Pablo Morales v. Cuba, IACommHR, Case 11. 589, Report No. 86/99, 29 September 1999.	231, 232, 233
Coard and others v. United States, IACommHR, Case 10. 951, Report N. 109/99, 29 September 1999	231, 233
Community of San Mateo de Huanchor and Its Members (Peru), Case No. 504/03, IACommHR, Report No. 69/04 of 15 October 2004	96
Inter-state Petition IP-02, Admissibility, Franklin Guillermo Aisalla Molina, Ecuador-Colombia, IACommHR, Report No. 112/10, 21 October 2010.	231, 233
Maya Indigenous Communities of the Toledo District (Belize), Case No. 12. 053, Report No. 40/04 of 12 October 2004	98, 100, 215, 216, 219, 223
Metropolitan Nature Reserve (Panama), Case No. 11. 533, IACommHR, Report No. 88/03 of 22 October 2003	94, 95, 96, 98, 218, 220

Inter-American Court of Human Rights

Caesar v. Trinidad and Tobago, IACtHR, Judgment of 11 March 2005, Series C No. 123	203
---	-----

Claude Reyes and Others v. Chile, IACtHR, Judgment of 19 September 2006	74, 75, 76, 80, 82, 91, 92, 106
International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Arts. 1 and 2 of the American Convention on Human Rights), Advisory Opinion OC-14/94 (9 December 1994)	94
Interpretation of the American Declaration on the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights, IACtHR, Advisory Opinion OC-10/89, 14 July 1989, Series A No. 10	212
Juridical Condition and Rights of the Undocumented Migrants, IACtHR, Advisory Opinion OC-18/03, 17 September 2003, Series A No. 18 (2003)	235
Kawas-Fernández v. Honduras, IACtHR, Judgment of 3 April 2009	6, 72, 73, 74, 77
Kichwa Indigenous People of Sarayaku v. Ecuador, IACtHR, Judgment of 27 June 2012	96, 100, 101, 102, 103
Mayagna (Sumo) Awas Tingni Community v. Nicaragua, IACtHR, Judgment of 31 August 2001, Series C No. 20	98, 212
Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, IACtHR, Advisory Opinion OC-16/99, 1 October 1999, Series A No. 16	212
Salvador Chiriboga v. Ecuador, IACtHR, Judgment of 6 May 2008	98
Saramaka People v. Suriname, IACtHR, Judgment of 28 November 2007	95, 96, 100, 101, 102, 103, 104, 105
Saramaka People v. Suriname (Interpretation), IACtHR, Judgment of 12 August 2008	95, 103, 104, 105
Sawhoyamaxa Indigenous Community v. Paraguay, IACtHR, Judgment of 29 March 2006	98
Villagrán-Morales et al. v. Guatemala, IACtHR, Judgment of 19 November 1999, Series C No. 63	204
Xákmok Kásek Indigenous Community v. Paraguay, IACtHR, Judgment of 24 August 2010	99
Yakye Axa Indigenous Community v. Paraguay, IACtHR, Judgment of 17 June 2005	98
Yanomami People (Brazil), Case No. 7. 615, Resolution No. 12/85, 5 March 1985	71
YATAMA v. Nicaragua, IACtHR, Judgment of 23 June 2005	92
International Court of Justice (ICJ)	
Aerial Herbicide Spraying (Ecuador v. Colombia), ICJ, 31 March 2008	230
Barcelona Traction Light and Power Company Limited (Belgium v. Spain), (1970) ICJ Rep. 3	229
Case Concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Provisional Measures, Order of 15 October 2008, (2008) ICJ Rep. 353	231
Diallo case <i>See below</i> Guinea v. Democratic Republic of Congo	
Gabčíkovo-Nagymaros Project (Hungary/Slovakia), (1997) ICJ Rep. 7	143, 223
Guinea v. Democratic Republic of Congo, (2010) ICJ Rep. 636 (Diallo case)	203, 221
Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Palestine Wall Case), Advisory Opinion, (2004) ICJ Rep. 136	231
Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, (1996) ICJ Rep. 226	228
Nuclear Tests Case (Australia v. France) (1974) ICJ Rep. 253	158
Nuclear Tests Case (New Zealand v. France) (1974) ICJ Rep. 457	158
Pulp Mills on the River Uruguay (Argentina v. Uruguay), (2010) ICJ Rep. 14	223, 228, 237

International Tribunal for the Law of the Sea (ITLOS)

- Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area (Request for Advisory Opinion submitted to the Seabed Disputes Chamber), ITLOS, Advisory Opinion of 1 February 2011 228

Malaysia

- Tan Teck Seng v. Suruhanjaya Perkhidmatan Pendidikan, Court of Appeal of Malaysia, [1996] 1 MLJ 261 174

Pakistan

- Shehla Zia v. WAPDA, PLD 1994 SC 693, Supreme Court of Pakistan, 12 February 1994. 172, 173

Philippines

- Minors Oposa v. Factoran, Supreme Court of the Philippines, G.R. No. 101083, 30 July 1993 167, 169

UN HR Committee Decisions

- Brun v. France, Comm. No. 1453/2006, UN Doc. CCPR/C/88/D/1453/2006 (18 October 2006) 92, 218, 220
 Delia Saldias de Lopez v. Uruguay, UN HR Committee, Comm. No. 52/1979, UN Doc. CCPR/C/OP/1 at 88 (29 July 1981). 233
 Ilmari Lansman and Others v. Finland, Comm. No. 511/1992, UN Doc. CCPR/C/49/D/511/1992 (26 October 1994) 215, 223
 Lilian Celiberti de Casariego v. Uruguay, UN HR Committee, Comm. No. 56/1979, UN Doc. CCPR/C/OP/1 at 92 (29 July 1981) 233
 Lubicon Lake Band v. Canada, UN HR Committee, Comm No. 167/1984, UN Doc. CCPR C/38/D/167/1984, 26 March 1990. 223, 224

United States

- Esther Kiobel and others v. Royal Dutch Petroleum and others, US Sup. Ct., No. 10-1491, 12 June 2012. 18, 19

Table of Legislation

EUROPEAN LEGISLATION

European Directives

- 85/337 Directive on the assessment of the effects of certain public and private projects on the environment (Environmental Impact Assessment Directive) 1985 OJ L 175/40 . . . 111, 112
 Art 6 111
 Art 11 112
- 92/43 Directive of 21 May 1992 on the conservation of habitats and of wild fauna and flora, 1992 OJ L 206/7 117
- 2011/92 Directive of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, 2012 OJ L 26/1 112

European Regulations

- 2052/88/EEC Council Regulation of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments, 1988, OJ L 185/9
 Art 7 111
- 44/2001 Council Regulation of 22 December 2000 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters, OJ 2001 L 12
 Art 5 234
- 1829/2003 Regulation 125
- 1367/2006 of 6 September 2006 on the application of the provisions of the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters to Community institutions and bodies, 2006, OJ L 264/13 131
 Art 11 131

Decisions

- 2005/370 Council Decision of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters, 2005, OJ L 124/1 128

NATIONAL LEGISLATION

Bhutan

- Constitution 2005
 Art 5 168
 Art 5(2) 168

Fiji

- Constitution 168, 171
 Art 40 168
 Art 40(1) 168
 Art 40(2) 168

Germany

- Code of Administrative Court Procedure (Verwaltungsgerichtsordnung (VwGO))
 Art 42(2) 124

India

- Constitution 1949 169, 172
 Art 2 169
 Art 21 172
 Art 48A 169, 172
 Art 51A 172
- National Green Tribunal Act, Parliament of India, Act No 19 (2010). 178

Indonesia

- Constitution 1945 168
 Art 28F 168
 Art 28H(1) 168, 170
- Law No 32 on Environmental Protection and Management 2009 170, 171
 Art 65 170

Art 25	154	Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, CBD Decision VI/24 (27 May 2002) (Bonn Guidelines)	58
Art 44	93, 94	para 6(b)	60
Art 63(1)	93	Cancun Agreements 2011	228
American Declaration of Human Rights	231	Charter of Fundamental Rights of the European Union, OJ 2007, C 303/1 Art 37	122
Anti-Bribery Convention 1997		Charter of the Association of Southeast Nations 2007 (ASEAN Charter 2007)	141, 146, 147, 154, 155, 156, 177
<i>See</i> Organisation for Economic Co-operation and Development (OECD) Anti-Bribery Convention 1997		Preamble	141
ASEAN Agreement on the Conservation of Nature and Natural Resources 1985	138, 157	Art 1	146
Art 1(6)	162	Art 2	146
Art 20	161	Art 14	147
ASEAN Agreement on Transboundary Haze Pollution 2002	157, 162	Art 20	147, 149
ASEAN Charter 2007 <i>See</i> Charter of the Association of Southeast Nations 2007 (ASEAN Charter 2007)		Charter of the United Nations, 24 October 1945, 1 UNTS XVI	152
ASEAN Declaration on Environmental Sustainability 2007	141, 147	Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea Convention) (Noumea, 24 November 1986, entered in force 22 August 1990) (1987) 26 ILM 41	157, 158
ASEAN Human Rights Declaration (19 November 2012)	1–2, 7, 138, 142, 146, 148, 152–6, 162, 166, 177, 179	Convention on Biological Diversity (CBD) (Rio de Janeiro, 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79	5, 30, 31, 32, 33, 37, 38, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 68, 104
Preamble	152	Art 1	58
Art 5	154, 177	Art 8(j)	53, 58
Art 17	2	Art 15	58
Art 23	177	Art 16	58
Art 28	153, 162	Art 19	58
Art 28(a)	153	Art 20	58
Art 28(b)	153	Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (21 June 1993) 32 ILM 1288	
Art 28(c)	153	Art 19	234
Art 28(d)	153	Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 25 February 1991, entered into force 10 September 1997) 1989 UNTS 309 (Espoo Convention)	
Art 28(e)	153		
Art 28(f)	143, 153, 162, 177		
Art 35	153, 154		
Art 36	142, 153		
Art 37	153, 154		
Art 39	154		
ASEAN Intergovernmental Commission on Human Rights, ‘Terms of Reference’ (October 2009)	7, 148, 149, 150, 155		
Art 1.4	148		
Art 1.6	148		
Art 3	148		
Art 6	148, 149		
Bangkok Declaration establishing the Association of Southeast Asian Nations (ASEAN) 1967	155		

Art 2(6).....	235	Draft Articles on Prevention of Transboundary Harm from Hazardous Activities, Report of the International Law Commission on the Work of Its 53rd Session, UNGAOR 56th session, Supp. No. 10 (A/56/10) (2001).....	228, 233, 234
Art 3(8).....	236	Art 15.....	234
Annex II	216	Draft Articles on Responsibility of States for Internationally Wrongful Acts, II(2) YbILC (2001).....	229
Convention on Migratory Species, 23 June 1979 1651 UNTS 67.....	33	Art 42.....	229
Convention on the Elimination of Discrimination against Women (New York, 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 Art 12.....	1	Art 48.....	229
Convention on the Law of the Non-Navigational Uses of International Watercourses (21 May 1997), 36 ILM 700 Art 10.....	221	Draft Principles on the Allocation of Loss in the Case of Transboundary Harm Arising Out of Hazardous Activities, II(2) YbILC (2006).....	236
Art 32.....	234	Principle 6(1)	236
Convention on the Rights of the Child (New York, 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.....	1	Principle 8(2).....	234
Art 6.....	1	ECOSOC Commentary to the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights UN Doc. E/CN.4/Sub.2/2003/38/Rev.2 (26 August 2003) (Commentary UN Norms).....	46
Art 24.....	1	§ (b)	47, 48
Art 24(2)(c).....	203	§ (c)	47, 48
Convention on the Transboundary Effects of Industrial Accidents (17 March 1992) 2105 UNTS 457	235	§§ (e)–(g).....	48
Art 9.....	235	§ (g)	47, 48
Convention Relating to the Status of Refugees 1951 (Geneva, 28 July 1951, entered into force 22 April 1954) 189 UNTS 137. . .8,	181, 182, 194, 195, 199	ECOSOC Draft Code of Conduct for Transnational Corporations, UN Doc. E/1990/94 (12 June 1990) (UN Draft Code)	45–6
Art 1.	181	para 42	48
Protocol 1967 <i>See</i> Protocol Relating to the Status of Refugees		Espoo Convention <i>See</i> Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 25 February 1991, entered into force 10 September 1997) 1989 UNTS 309 (Espoo Convention)	
Copenhagen Accords 2010.	228	European Convention on Human Rights and Fundamental Freedoms (ECHR) (Rome, 4 November 1950, entered into force 3 November 1953) 213 UNTS 222.....	1, 70, 79, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 106, 128, 155, 203, 215, 216, 217, 218, 230, 231, 232, 236
Declaration of the United Nations Conference on the Human Environment (Stockholm, 16 June 1972), (1972) 11 ILM 4116 (Stockholm Declaration). . . .2, 40, 139,	140, 222	Art 1.....	231, 233
Principle 1.....	2, 140, 213	Art 2.....	82, 211
Declaration on the Application of Principle 10 of the Rio Declaration on Environment and Development, Annex to the <i>note verbale</i> dated 27 June 2012 from the Permanent Mission of Chile to the United Nations addressed to the Secretary-General of the United Nations Conference on Sustainable Development, UN Doc. A/CONF.216/13 (25 July 2012). . . .106			
Draft Articles on Diplomatic Protection with Commentaries, II(2) YbILC (2006). . .228			

Art 6.....	91, 113
Art 8.	82, 84, 85, 86, 87, 88, 91, 214, 216, 220
Arts 9–11	90
Art 10.	77, 78, 79, 80, 81, 90, 91
Art 11.....	77
Art 13.....	86, 113
Art 35(3)(b).	93
Protocol 1, Art 1	98
Protocol 14	93
European Social Charter (18 October 1961), 529 UNTS 89, 15 ETS 35	
Art 11.	203
Guidelines for Multinational Enterprises of the Organisation for Economic Co-operation and Development 111 (OECD Guidelines).....	37, 46, 47, 48–9, 50, 55
Ch. VI, para 1.	47
Ch. VI, para 2.	48
Ch. VI, para 3.	47
Ch. VI, para 4.	48
Ch. VI, para 5.	48
Ch. VI, para 6.d.	50
IFC Performance Standards on Social and Environmental Sustainability 2006	50, 64
standard 8.....	53
IFC Performance Standards on Social and Environmental Sustainability (1 January 2012)	47, 48, 49, 50, 53
standard 1, paras 5–7.	47
standard 1, para 17.....	47
standard 1, para 21.....	50
standard 1, para 24.....	47
standard 1, para 26.....	50
standard 1, para 29.....	48
standard 1, paras 30–31.	50
standard 1, para 30–33.	48
standard 1, para 35.....	48, 49
standard 1, para 38.....	50
standard 3.....	48
standard 3, paras 7–8.....	51
standard 5, para 26.....	54
standard 6.	50, 51
standard 6, para 14	51
standard 6, para 15	51
standard 6, paras 24–25	51
standard 7, paras 12–13.	54
standard 7, para 15.....	49
standard 7, para 18.....	54
ILO Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries (adopted 27 June 1989, entered into force 5 September 1991) 1659 UNTS 383	215
Art 15(2).	53
Interim Convention on Conservation of North Pacific Fur Seals (Washington, 9 February 1957, entered into force 14 October 1957) 314 UNTS 105 ...	52
International Covenant on Civil and Political Rights (ICCPR) (New York, 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.....	1, 8, 79, 152, 203, 217, 218, 230, 231, 238
Art 1(2).	224
Art 2.	231, 233
Art 6(1).	1
Art 19.	80
Art 19(2).	80
Art 25(a).....	92
Art 27.....	223
Optional Protocol	224
International Covenant on Economic, Social and Cultural Rights (ICESCR) (New York, 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.	1, 8, 152, 182, 196, 198, 203, 220, 222, 226, 227, 231, 237, 238
Pt IV.	226
Art 1.....	221
Art 1(1).	198
Art 11.	197, 198, 221
Art 12.	1, 197, 203, 221, 222
Art 12(1).	1, 197
Art 12(2).	197
Optional Protocol 2008.....	226
International Treaty on Plant Genetic Resources for Food and Agriculture (signed 3 November 2001) 2400 UNTS 303 (ITPGR)	60
Kyoto Protocol 10 December 1997, 37 ILM 22 (1998) entered into force on 16 February 2005 ...	186, 195, 215, 228, 236, 237, 238
Arts 2–9	237
Art 10.	237
Annex I.	237

Las Leñas Protocol on Jurisdictional Cooperation and Assistance in Civil, Commercial, Labor, and Administrative Matters (27 June 1992)	Res 48/134 (20 December 1993) (Paris Principles)	144, 145
ch. III, Art. 3.	Principle 3(e).	144
Malé Declaration on the Human Dimension of Global Climate Change (14 November 2007).	Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters, UN Doc. ECE/MP.WAT/11-ECE/CP. TEIA/9 (21 May 2003)	234
Marrakesh Accords 2001	Art 13.	234
Montreal Protocol	Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (17 June 1999) 2331 UNTS 202 (Protocol on Water and Health).	214
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (adopted 29 October 2010, in force October 2014) (CBD Nagoya Protocol).	Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267	181, 194
preamble para 27	Protocol to Amend the Convention On Third Party Liability in the Field of Nuclear Energy of 29 July 1960, as Amended by the Additional Protocol of 28 January 1964 and by the Protocol of 16 November 1982 (12 February 2004)	234
Art 4.	Art 13.	234
Art 5(1)–(2).	Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage (12 September 1997) 36 ILM 1454	234
Art 5(2).	Art XI.	234
Art 6(2).	Ramsar Convention 2 February 1971 996 UNTS 245	33
Art 7.	Rio Declaration on Environment and Development (13 June 1992), 31 ILM 874 (Rio Declaration)	2, 76, 140, 153, 201, 205, 222, 229
Art 12.	Principle 1.	2, 140
Art 16.	Principle 2.	228
Art 17.	Principle 3.	222
Art 21.	Principle 10.	76, 86, 103, 106, 176, 208, 213, 238
North American Agreement on Environmental Cooperation (8, 9, 12, 14 September 1993, entered into force 1 January 1993) 32 ILM 1480	Principle 15.	173
Art 6.	San Salvador Protocol 1988 <i>See</i> Additional Protocol to the American Convention on Human Rights in the area of Economic, and Social, and Cultural Rights 1988 (San Salvador Protocol 1988)	
North American Free Trade Agreement (NAFTA).		
Organisation for Economic Co-operation and Development (OECD) Anti-Bribery Convention 1997		
Paris Principles <i>See</i> Principles Relating to the Status of National Institutions (20 December 1993) (Paris Principles)		
Peninsula Principles on Climate Displacement within States (18 August 2013).		
Preamble.		
Principle 7(e).		
National Institutions for the Promotion and Protection of Human Rights, Annex, Principles Relating to the Status of National Institutions, UN GA		