

# **Environmental Protection and Human Rights**

Donald K. Anton and Dinah L. Shelton

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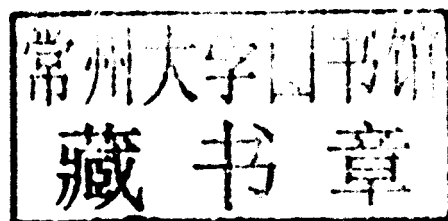
# Environmental Protection and Human Rights

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## ENVIRONMENTAL PROTECTION AND HUMAN RIGHTS

With unique scholarly analysis and practical discussion, this book provides a comprehensive introduction to the relationship between environmental protection and human rights that is being formalized into law in many legal systems. By illuminating human rights theory and the institutions that can be employed to meet environmental goals, this book instructs on environmental techniques and procedures that assist in the protection of human rights. The text provides cogent guidance on a growing international jurisprudence on the promotion and protection of human rights in relation to the environment that has been developed by international and regional human rights bodies and tribunals. It explores a rich body of case law that continues to develop within states on the environmental dimension of the rights to life, to health, and to public participation and access to information. Five compelling contemporary case studies are included online that implicate human rights and the environment, ranging from large dam projects to the creation of a new human right to a clean environment.

Donald K. Anton has been practicing and teaching international law and environmental law since 1988. Since 2000, he has been a member of the faculty of the Australian National University College of Law, where he teaches international environmental law, international law, marine and coastal law, international climate law, and environmental law. He is the author or coauthor of *International Environmental Law: Cases, Materials, and Problems* (2007); *International Law: Cases and Materials* (2005); *International Law: Politics, Values, and Functions* (1998); and *A Question of Justice Challenge: Global Environmental Protection* (1996).

Dinah L. Shelton is the Manatt/Ahn Professor of International Law at the George Washington University Law School and a member of the Inter-American Commission on Human Rights of the Organization of American States. Shelton is the author or editor of three prize-winning books, *Protecting Human Rights in the Americas* (coauthored with Thomas Buergenthal, 1982), *Remedies in International Human Rights Law* (2006), and the three-volume *Encyclopedia of Genocide and Crimes Against Humanity* (2004) as well as author of *International Environmental Law* (2004) and other publications in the fields of human rights and environmental law. She was awarded the Elisabeth Haub Prize for Environmental Law.

*To Louis Henkin, teacher, colleague, and friend; and to Joseph Sax, who generously supported my first attempt at international environmental advocacy. They have led the struggle to defend human rights and protect the environment.*

– DKA

*To Connor Dillon, Nikolas Leith, and Claire Jillian Robinson, whose right to enjoy the wonders of the earth and transmit the same to their descendants must be preserved.*

– DLS

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The materials herein have been used in teaching courses involving human rights and the environment at the University of Alabama School of Law, the Australian National University College of Law (ANU), the George Washington University Law School, the University of Auckland Faculty of Law, the University of Michigan Law School, the United Nations Institute for Training and Research, and the Vermont Law School. We are grateful to all these institutions for the opportunity to teach the subject matter and to our students in all of the courses for lessons about the material and sound feedback.

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# Abbreviations

ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
ASEAN	Association of South East Asian Nations
ATS/ATCA	Alien Tort Statute/Alien Tort Claims Act
AU	African Union
BIT	Bilateral investment treaty
BP	Bank Procedure (World Bank)
CAO	Compliance adviser ombudsman (World Bank Group)
CAT	Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment
CBD	Convention on Biological Diversity
CCPR	U.N. Human Right Committee
CED	Committee on Enforced Disappearances
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD/UNCERD	International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social, and Cultural Rights
CHR	Commission on Human Rights (replaced by the Human Rights Council)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMW	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPED	Convention on the Protection of All Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSD	Commission on Sustainable Development
CTRPD	Committee on the Rights of Persons with Disabilities
EBRD	European Bank for Reconstruction and Development
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECHR	European Court of Human Rights
ECOSOC	U.N. Economic and Social Council
EIA	environmental impact assessment

EIB	European Investment Bank
ENMOD	Convention on Military or Any Other Hostile Use of Environmental Modification Techniques
ESA	Endangered Species Act (U.S.)
ESC	European Social Charter
ESC Committee	U.N. Committee on Economic, Social, and Cultural Rights
EU	European Union
FAO	Food and Agriculture Organization
GA	U.N. General Assembly
GMOs	genetically modified organisms
HRC	U.N. Human Rights Council
IACHR	Inter-American Commission on Human Rights
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICSID	International Centre for Settlement of Investment Disputes
IDA	International Development Association
IDPs	Internally Displaced Persons
IFC	International Finance Corporation
ILC	International Law Commission
ILO	International Labour Organization
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change
IUCN	International Union for Conservation of Nature
NGO	nongovernmental organization
MA	Millennium Ecosystem Assessment
MDBs	Multilateral Development Banks
MDGs	Millennium Development Goals
MEA	Multilateral Environmental Agreement
MIGA	Multilateral Investment Guarantee Agency
MWC	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
NAAEC	North American Agreement on Environmental Cooperation
NAFTA	North American Free Trade Agreement
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the U.N. High Commissioner for Human Rights
OP	Operational Policy (World Bank)
OSCE	Organization for Security and Co-operation in Europe
PIC	Prior Informed Consent
REDD	Reducing Emissions from Deforestation and Forest Degradation
SC	U.N. Security Council
SG	U.N. Secretary-General
UDHR	Universal Declaration of Human Rights

UNCC	U.N. Compensation Commission
UNCED	U.N. Conference on Environment and Development
UNCLOS	U.N. Convention on the Law of the Sea
UNECE	U.N. Economic Commission for Europe
UNEP	U.N. Environment Programme
UNESCO	U.N. Education, Scientific, and Cultural Organization
UNFCCC	U.N. Framework Convention on Climate Change
UNFF	U.N. Forum on Forests
UNIOSIL	U.N. Integrated Office in Sierra Leone
USTDA	United States Trade and Development Agency
VCLT	Vienna Convention on the Law of Treaties
WBG	World Bank Group
WHO	World Health Organization
WSSD	World Summit on Sustainable Development

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