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Donald K. Anton and Dinah L. Shelton

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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).

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Environmental Protection and Human Rights

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Frontmatter
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Frontmatter
[More information](#)

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

Brief Contents

1. Law and the Environment	<i>page</i> 1
2. The Environment as a Human Rights Issue	118
3. An Introduction to Human Rights Origins and Theory	151
4. The International Protection of Human Rights	224
5. International Human Rights Institutions and Procedures	281
6. Procedural Human Rights and the Environment	356
7. Substantive Human Rights and the Environment	436
8. Indigenous Peoples, Rights, and the Environment	545
9. Humanitarian Crises: Armed Conflicts and Other Disasters	666
10. Environmental Rights and International Finance: The World Bank Example	779
11. Human Rights, the Environment, and Corporate Accountability	863

Contents

Acknowledgments	page xxv
Abbreviations	xxxii
Table of Cases	xxxv
1. Law and the Environment	1
I. Introduction	1
A. Defining the Environment and Its Characteristics	2
Questions and Discussion	3
B. State of the Planet	3
Millennium Ecosystem Assessment: <i>Ecosystems and Human Well-Being: Synthesis</i>	3
Questions and Discussion	16
II. Approaches to Environmental Protection	16
A. Private Actions	17
1. Nuisance, Strict Liability, and Negligence	17
<i>Indian Council for Enviro-Legal Action v. Union of India</i>	17
Questions and Discussion	21
<i>Trail Smelter Case (U.S. v. Can.)</i>	24
Questions and Discussion	27
Note on the Pulp Mills Case	28
2. The Public Trust Doctrine	30
<i>United Plainsmen Association v. North Dakota State Water Conservation Commission</i>	31
Questions and Discussion	35
B. Public Regulation	36
Christopher H. Schroeder, <i>Lost in Translation: What Environmental Regulation Does That Tort Cannot Duplicate</i>	37
Questions and Discussion	42
1. Standard Setting	42
Code of Federal Regulations (U.S.), Title 16, Part 1303 – Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint	43
2. Restrictions and Prohibitions	44
Endangered Species Act of 1973	44
3. Licensing	47
	ix

Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

x

Contents

4. Environmental Impact Assessment Procedures	48
OP 4.01 – Environmental Assessment, World Bank Operational Manual	48
5. Land Use Regulation	52
6. Criminal Law	52
C. Market Mechanisms	53
Christopher H. Schroeder, <i>Lost in Translation: What Environmental Regulation Does That Tort Cannot Duplicate</i>	54
D. Rights-Based Approaches	55
Questions and Discussion	56
III. International Environmental Law	56
A. Sources: What Is International Law?	57
1. Treaties	57
a. Adoption of Treaties	59
b. Compliance with Treaty Obligations	60
c. Treaty Interpretation	60
d. Enforcement	61
e. Common Environmental Treaty Techniques	61
2. Customary International Law	62
3. General Principles of Law	62
4. “Soft Law”	63
B. Relationship of International Law and Domestic Legal Systems	64
C. The Development of International Environmental Law	67
1. Beginnings to Stockholm	67
Stockholm Declaration on the Human Environment	68
Questions and Discussion	72
2. From Stockholm to Rio	73
The Rio Declaration on Environment and Development	74
Questions and Discussion	77
3. From Rio to Johannesburg	78
4. The World Summit on Sustainable Development	79
5. UNCED 2012	80
D. Principles of International Environmental Law	80
1. Prevention of Harm	80
2. Precaution	81
<i>Canada Ltée (Spraytech, Société d’arrosage) and Services des espaces verts Ltée/Chemlawn v. Hudson (Town)</i> , no. 114957	82
Questions and Discussion	85
3. The Polluter-Pays Principle	86
4. Sustainable Development	87
<i>Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)</i>	88
<i>Jayal and Others v. India and Others</i>	89
Questions and Discussion	90
5. Equitable Principles	90
a. Intergenerational Equity	91
<i>Minors Oposa v. Secretary of the Department of Environment and Natural Resources</i>	92

Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

Contents	xi
Questions and Discussion	95
b. Common but Differentiated Responsibilities	95
c. Equitable Utilization of Shared Resources	96
E. Major International Environmental Agreements	97
1. Biological Diversity and Species Agreements	97
Questions and Discussion	100
2. U.N. Framework Convention on Climate Change and the Kyoto Protocol	100
3. U.N. Convention on the Law of the Sea	104
4. The Ozone Agreements	106
5. Hazardous Substances and Waste	108
F. Compliance and Enforcement	110
1. State Responsibility	110
2. Compliance Procedures	112
3. Periodic State Reporting	113
4. Civil Society Petitions	114
Questions and Discussion	115
2. The Environment as a Human Rights Issue	118
I. Introduction	118
A. <i>Tension or Complementarity?</i>	119
Questions and Discussion	120
B. A Primer on Rights	120
1. Human Rights and Universal Aspirations	121
Mary Ann Glendon, <i>A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS</i>	121
Makau Mutua, <i>The Complexity of Universalism in Human Rights</i>	122
Questions and Discussion	122
2. Rights of the Environment	122
Questions and Discussion	123
C. When Rights Conflict	126
Stephanie Peatling, <i>People First, River Second . . .</i>	126
Christopher Stone, <i>Should Trees Have Standing? Towards Legal Rights for Natural Objects</i>	127
Questions and Discussion	128
Roderick Frazier Nash, <i>THE RIGHTS OF NATURE: A HISTORY OF ENVIRONMENTAL ETHICS</i>	129
Questions and Discussion	130
II. Human Rights Approaches to Environmental Protection	130
A. Mobilizing Human Rights for the Environment	130
Dinah Shelton, <i>Environmental Rights</i>	130
Questions and Discussion	133
Michael R. Anderson, <i>Human Rights Approaches to Environmental Protection: An Overview</i>	134
Questions and Discussion	138
B. Critiques and Responses	138
Günther Handl, <i>Human Rights and the Protection of the Environment</i>	139

Questions and Discussion	141
Luis E. Rodriguez-Rivera, <i>Is the Human Right to Environment Recognized Under International Law? It Depends on the Source</i>	141
III. The Environmental Justice Dimension	145
Hari M. Osofsky, <i>Learning from Environmental Justice: A New Model for International Environmental Rights</i>	145
Questions and Discussion	147
IV. Recognition of the Rights Related to the Environment in Law	148
Philippe Sands, <i>PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW</i>	148
Questions and Discussion	149
3. An Introduction to Human Rights Origins and Theory	151
I. The Development of Human Rights	151
A. Introduction	151
Imre Szabo, <i>Historical Foundations of Human Rights and Subsequent Developments</i>	151
Ruti Teitel, <i>Human Rights Genealogy</i>	153
Questions and Discussion	154
B. Religious, Cultural, and National Legal Antecedents	154
1. Religious Traditions	154
Questions and Discussion	156
2. Philosophical and Cultural Roots	157
Questions and Discussion	159
3. Historical Laws of Local Nature	160
Questions and Discussion	163
C. International Law on Specific Issues Before the Twentieth Century	163
1. Religious Liberty	163
2. Abolition of Slavery and the Slave Trade	164
3. The Emergence of Humanitarian Law	166
4. Injury to Aliens	167
Questions and Discussion	167
D. The Early Twentieth Century	168
1. Economic and Social Rights: Capitalism, Industrialization, and the Formation of the International Labour Organization	168
2. The League of Nations and Minorities Treaties	170
3. Civil and Political Rights for Women	171
Questions and Discussion	171
E. Generalizing Human Rights in Global and Regional Systems of Protection	172
1. Standard Setting (1948–1969)	173
2. Development of Compliance Mechanisms (1967–1998)	177
3. Individual Complaints Procedures	180
4. From State to Individual Responsibility (1998–present)	182
F. Normative and Institutional Evolution	182
Questions and Discussion	185

Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

Contents	xiii
G. The Challenge of Human Rights in the Realm of the <i>Domaine Réservé</i>	185
<i>Charter of the United Nations</i>	187
Henry Steiner, <i>The Youth of Rights</i>	187
Questions and Discussion	188
II. The Idea of Human Rights	188
A. The Nature of Human Rights	189
Jerome J. Shestack, <i>The Philosophical Foundations of Human Rights</i>	189
Eugene Kamenka, <i>Human Rights, Peoples' Rights</i>	191
Questions and Discussion	191
B. A Case for Human Rights	192
Louis Henkin, <i>THE AGE OF RIGHTS</i>	192
Questions and Discussion	194
C. Critiques of Human Rights and Responses Thereto	195
Cass Sunstein, <i>Rights and Their Critics</i>	195
Upendra Baxi, <i>Voices of Suffering, Fragmented Universality, and the Future of Human Rights</i>	199
Questions and Discussion	201
Karl Klare, <i>Legal Theory and Democratic Reconstruction</i>	202
Questions and Discussion	203
A.H. Robertson & J.G. Merrills, <i>HUMAN RIGHTS IN THE WORLD: AN INTRODUCTION TO THE STUDY OF THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS</i>	203
Question and Discussion	204
III. Perspectives on Human Rights Claims	204
A. Natural Law	204
J. Shand Watson, <i>THEORY AND REALITY IN THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS</i>	205
Question and Discussion	206
B. Legal Positivism	207
Questions and Discussion	207
C. Feminist Theory	208
Hilary Charlesworth, <i>Feminist Ambivalence About International Law</i>	208
Questions and Discussion	210
D. New Stream Scholarship	211
Deborah Z. Cass, <i>Navigating the Newstream: Recent Critical Scholarship in International Law</i>	211
Questions and Discussion	213
E. Human Dignity	214
Rhoda E. Howard, <i>Dignity, Community, and Human Rights</i>	214
Oscar Schachter, <i>Human Dignity as a Normative Concept</i>	215
Paolo G. Carozza, <i>Human Dignity and Judicial Interpretation of Human Rights: A Reply [to Christopher McCrudden]</i>	216
Questions and Discussion	218
Jack Donnelly, <i>Cultural Relativism and Universal Human Rights</i>	218

Rosalyn Higgins, PROBLEMS AND PROCESS: INTERNATIONAL LAW AND HOW WE USE IT	219
Questions and Discussion	220
IV. Individual Duties as a Means of Social Ordering	220
Universal Declaration of Human Responsibilities (<i>Proposed by InterAction Council</i>)	220
Questions and Discussion	222
4. The International Protection of Human Rights	224
I. Introduction	224
II. The Universal Declaration of Human Rights	225
UNIVERSAL DECLARATION OF HUMAN RIGHTS	226
Questions and Discussion	229
III. U.N. Treaties: The Core Agreements	231
Questions and Discussion	232
Matthew Craven, THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS: A PERSPECTIVE ON ITS DEVELOPMENT	232
Questions and Discussion	236
A. The Obligations Imposed by the Covenants	236
<i>The Nature of the General Legal Obligation Imposed on States Parties to the Covenant Human Rights Committee</i>	237
Questions and Discussion	241
General Comment No. 3 [of the Committee on Economic, Social, and Cultural Rights]	242
General Comment No. 9 [of the Committee on Economic, Social, and Cultural Rights]	243
General Comment No. 14 [of the Committee on Economic, Social, and Cultural Rights]	245
Questions and Discussion	247
B. Implementation of the Covenants by the Treaty Committees	248
Laurence R. Helfer & Anne-Marie Slaughter, <i>Toward a Theory of Effective International Adjudication</i>	248
Questions and Discussion	251
IV. Regional Systems for the Protection of Human Rights	251
Dinah Shelton, <i>The Promise of Regional Human Rights Systems</i>	251
V. Economic, Social, and Cultural Rights: Justiciability	255
<i>Republic of South Africa v. Grootboom</i>	256
Questions and Discussion	258
VI. Human Rights and Environmental Harm	259
<i>Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria</i>	260
Questions and Discussion	269
VII. Common Aspects of Human Rights Treaties	270
A. Reservations	270
VIENNA CONVENTION ON THE LAW OF TREATIES	270

Contents	xv
General Comment No. 24 (52) [of the Human Rights Committee]	272
Questions and Discussion	275
Report of the International Law Commission on the Work of Its Forty-Ninth Session	276
Questions and Discussion	277
B. Denouncing and Reacceding with a Reservation	277
<i>Rawle Kennedy v. Trinidad and Tobago</i>	278
Questions and Discussion	278
C. Limitations and Derogations from Human Rights	279
5. International Human Rights Institutions and Procedures	281
I. Introduction	281
II. The U.N. Charter Bodies	284
A. The Security Council	284
Questions and Discussion	286
B. General Assembly	286
1. The Former Commission and Subcommission	287
2. The Human Rights Council	291
Philip Alston, <i>Reconceiving the U.N. Human Rights Regime: Challenges Confronting the New U.N. Human Rights Council</i>	292
GENERAL ASSEMBLY RESOLUTION 60/251	293
Questions and Discussion	294
Fatma Zohra Ksentini, Special Rapporteur, <i>Review of Further Developments in Fields with Which the Sub-Commission Has Been Concerned: Human Rights and the Environment</i>	295
C. Human Rights Council Special Procedures	297
<i>Special Procedures of the Human Rights Council</i>	297
Questions and Discussion	298
1. Fact-Finding	299
<i>Manual of the United Nations Human Rights Special Procedures</i>	300
Questions and Discussion	303
<i>Report of the Special Rapporteur on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights</i>	304
Press Release, <i>Toxic Waste: U.N. Expert Releases Report on "Probo Koala" Incident</i>	307
2. Norm Development	307
<i>Report of the Special Rapporteur on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights</i>	307
Questions and Discussion	317
3. The 1503 Procedure	317
Office of the High Commissioner for Human Rights, <i>Human Rights Council Complaints Procedure</i>	317
Questions and Discussion	319
4. The 1235 Procedure	320
5. The Role of Nongovernmental Organizations	320

C. International Court of Justice	320
D. The Secretariat	321
E. Economic and Social Council	322
III. The Treaty Committees	322
A. Introduction	322
Questions and Discussion	327
B. Committee Complaints Procedures	328
1. General Procedures	328
Office of the High Commissioner for Human Rights, <i>Fact Sheet</i> No. 7/Rev. 1, <i>Complaints Procedure</i>	328
2. Human Rights Committee	333
Office of the High Commissioner for Human Rights, <i>Fact Sheet</i> No. 7/Rev. 1, <i>Complaints Procedures</i>	333
IV. Regional Systems	335
A. The European Human Rights System	336
Thomas Buergenthal, <i>The Evolving International Human Rights</i> <i>System</i>	336
Questions and Discussion	338
B. The American Human Rights System	339
Thomas Buergenthal, <i>The Evolving International Human Rights</i> <i>System</i>	339
Questions and Discussion	341
<i>Interpretation of the American Declaration of the Rights and</i> <i>Duties of Man Within the Framework of Article 64 of the</i> <i>American Convention on Human Rights</i>	342
Questions and Discussion	343
1. Economic and Social Rights (Including Environmental Rights) in the American Human Rights System: Applicable Norms	343
Article 26 – Progressive Development, American Convention on Human Rights	344
Matthew Craven, <i>The Protection of Economic, Social, and</i> <i>Cultural Rights Under the Inter-American System of Human</i> <i>Rights</i>	344
Question and Discussion	346
2. Environmental Rights	347
ARTICLE 11 – RIGHT TO A HEALTHY ENVIRONMENT, ADDITIONAL PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS IN THE AREA OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS	347
Questions and Discussion	347
C. The African Human Rights System	348
Thomas Buergenthal, <i>The Evolving International Human Rights</i> <i>System</i>	348
1. The Banjul Charter	350
African [Banjul] Charter on Human and Peoples' Rights, 1982	350
Questions and Discussion	351
2. The Work of the African Commission on Human and Peoples' Rights and the Environment	351

Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

Contents	xvii
3. The Relationship Between the New Court and the Commission Coalition for an Effective African Court on Human and Peoples Rights, <i>About the African Court</i>	352 353
AFRICAN [BANJUL] CHARTER ON HUMAN AND PEOPLES' RIGHTS	354
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights	354
Questions and Discussion	355
6. Procedural Human Rights and the Environment	356
I. Introduction	356
II. Access to Environmental Information	357
A. Environmental Instruments and Jurisprudence	357
B. Human Rights Texts and Jurisprudence	358
<i>Case of Bladet Tromsø & Stensaas v. Norway</i>	360
Questions and Discussion	368
<i>Claude Reyes et al. v. Chile</i>	369
Questions and Discussion	380
III. The Right to Public Participation in Decision Making	381
A. Environmental Instruments	381
B. Human Rights Texts	382
IV. The Rights of Access to Justice and to a Remedy for Environmental Harm	383
A. The Right to a Remedy in Human Rights Instruments	383
<i>Okyay et al. v. Turkey</i>	385
Questions and Discussion	391
B. The World Bank Inspection Panel	393
World Bank Inspection Panel, <i>Investigation Report, Ghana: West African Gas Pipeline Project</i>	394
Questions and Discussion	407
V. The Aarhus Convention and Complaints Procedure	408
Convention on Access to Information, Public Participation in Decision Making, and Access to Justice in Environmental Matters	408
REPORT OF THE COMPLIANCE COMMITTEE ON ITS SIXTEENTH MEETING	418
REPORT OF THE COMPLIANCE COMMITTEE ON ITS EIGHTEENTH MEETING	429
Ole W. Pedersen, <i>European Environmental Human Rights and Environmental Rights: A Long Time Coming?</i>	429
Questions and Discussion	430
VI. A Combined Process: Prior Informed Consent	431
World Bank Information Center, <i>Rebuked by Internal Investigation, World Bank Plans to Do More in DRC Forest Sector, but Will It Do Better?</i>	432
Questions and Discussion	435

7. Substantive Human Rights and the Environment	436
I. Introduction	436
II. The Rights to Life and Health	436
<i>Convention on the Rights of the Child</i>	437
A. U.N. Jurisprudence and Practice	438
Questions and Discussion	439
<i>Brun v. France</i>	440
B. Regional Jurisprudence	443
<i>Öneryildiz v. Turkey</i>	445
Questions and Discussion	456
C. National Jurisprudence	457
<i>Clean Air Foundation Limited & Gordon David Oldham v.</i>	
<i>Government of the Hong Kong Special Administrative Region</i>	457
<i>Mehta v. Union of India et al.</i>	460
Questions and Discussion	462
III. A Right to Water	463
A. Human Rights Law at the Global Level	464
U.N. Development Programme, Human Development Report	
2006, <i>Beyond Scarcity: Power, Poverty, and the Global Water</i>	
Crisis	464
Human Rights Council, Report of the U.N. High Commissioner	
for Human Rights on the Scope and Content of the Relevant	
Human Rights Obligations Related to Equitable Access to Safe	
Drinking Water and Sanitation Under International Human	
Rights Instruments	467
Questions and Discussion	471
<i>Comments of the Committee on Economic, Social, and Cultural</i>	
<i>Rights</i>	472
B. The Organization of American States	473
The Situation of Human Rights in Cuba, Seventh Report	473
C. The African Commission on Human and Peoples' Rights	475
Questions and Discussion	476
D. National Water Rights	476
John Scanlon, Angela Cassar, & Noemi Nemes, <i>Water as a</i>	
<i>Human Right?</i>	476
Stephen Hodgson, <i>Modern Water Rights: Theory and Practice</i>	477
Questions and Discussion	486
IV. Right to Respect for Privacy, Family Life, and Home	487
Questions and Discussion	490
<i>López Ostra v. Spain</i>	490
Questions and Discussion	494
<i>Kyrtatos v. Greece</i>	495
Questions and Discussion	499
<i>Taşkın et al. v. Turkey</i>	500
Questions and Discussion	502
<i>Fadeyeva v. Russia</i>	503
Questions and Discussion	511

Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

Contents	xix
V. Right to Property	512
<i>Metropolitan Nature Reserve v. Panama</i>	513
Questions and Discussion	515
<i>Lars and Astrid Fägerskjöld v. Sweden</i>	515
Questions and Discussion	517
VI. The Right to a Healthy or Safe Environment	519
A. International Guarantees	519
B. National Guarantees of the Right to a Safe and Healthy Environment	520
<i>Ole W. Pedersen, European Environmental Human Rights and Environmental Rights: A Long Time Coming?</i>	520
1. The United States	521
<i>Montana Environmental Information Center et al. v. Department of Environmental Quality</i>	523
Questions and Discussion	530
Comment: Litigating State Constitutional Protections	530
2. South Africa	532
<i>Fuel Retailers Association of Southern Africa v. Director-General Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province et al.</i>	532
Questions and Discussion	543
8. Indigenous Peoples, Rights, and the Environment	545
I. Introduction	545
II. Theoretical Approaches	545
Benedict Kingsbury, <i>Reconciling Five Competing Conceptual Structures of Indigenous Peoples' Claims in International and Comparative Law</i>	545
Questions and Discussion	557
III. International Instruments	557
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS	558
U.N. Declaration on the Rights of Indigenous Peoples	558
CONVENTION (NO. 169) CONCERNING INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES	564
Questions and Discussion	567
IV. The ICCPR and Minority Rights	567
Human Rights Committee, General Comment No. 12: The Right to Self-Determination of Peoples	567
General Comment No. 23: The Rights of Minorities	568
<i>Ominayak and the Lubicon Lake Band v. Canada</i>	569
Questions and Discussion	573
<i>Apirana Mahuika et al. v. New Zealand</i>	573
V. The OAS and the Development of <i>Sui Generis</i> Rights	577
Report on the Situation of Human Rights in Ecuador	577
<i>Mayagna (Sumo) Awas Tingni Community v. Nicaragua</i>	580
Questions and Discussion	584
<i>Case of the Saramaka People v. Suriname</i>	586
Questions and Discussion	602

VI. African Regional Law	602
VII. National Laws and Jurisprudence	610
A. Australia	610
<i>Mabo et al. v. Queensland (No. 2)</i>	610
Questions and Discussion	623
B. The United States	623
<i>Mary and Carrie Dann v. United States</i>	626
Questions and Discussion	639
C. Botswana	640
<i>Sesana and Others v. Attorney General, High Court</i>	640
VIII. Indigenous Rights in Environmental Agreements	652
A. The Convention on Biological Diversity	652
Bonn Guidelines on Access to Genetic Resources and Fair and	
Equitable Sharing of the Benefits Arising out of Their	
Utilization	653
Questions and Discussion	659
B. Climate Change, Reducing Emissions from Deforestation in	
Developing Countries, and Forest Peoples	659
United Nations Collaborative Programme on Reducing	
Emissions from Deforestation and Forest Degradation in	
Developing Countries	659
Friends of the Earth, <i>REDD Myths: A Critical Review of Proposed</i>	
<i>Mechanisms to Reduce Emissions from Deforestation and</i>	
<i>Degradation in Developing Countries</i>	661
9. Humanitarian Crises: Armed Conflicts and Other Disasters	666
I. Introduction	666
Elizabeth Ferris, <i>Natural Disaster and Conflict-Induced</i>	
<i>Displacement: Similarities, Differences, and Inter-Connections</i>	666
II. Human Rights, the Environment, and Armed Conflict	670
A. The Relationship of Humanitarian Law to Human Rights Law	671
Statement by Emanuela-Chiara Gillard, ICRC Legal Adviser	671
Legal Consequences of the Construction of a Wall in the	
Occupied Palestinian Territory	673
Questions and Discussion	677
B. The Role of Natural Resources and the Environment in Armed	
Conflicts	678
<i>From Conflict to Peacebuilding: The Role of Natural Resources</i>	
<i>and the Environment</i>	678
Questions and Discussion	681
C. The Law of Armed Conflict	681
Protocol Additional to the Geneva Conventions of 12 August 1949,	
and Relating to the Protection of Victims of International	
Armed Conflicts (Protocol 1)	684
Antoine Bouvier, <i>Protection of the Natural Environment in Time</i>	
<i>of Armed Conflict</i>	688
Questions and Discussion	691

Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

Contents	xxi
D. Claims for Environmental Damage	691
U.N. Compensation Commission, Governing Council Report and Recommendations Made by the Panel of Commissioners Concerning the Third Installment of “F4” Claims	694
<i>Desk Study on the Environment in Iraq</i>	715
Questions and Discussion	726
<i>Behrami & Behrami v. France; Saramati v. France, Germany & Norway</i>	727
Questions and Discussion	735
E. ICJ Opinions and Judgments	736
F. Accountability	737
III. Environmental Disasters and Their Aftermath	738
A. Industrial Accidents	738
Draft Principles on the Allocation of Loss in the Case of Transboundary Harm Arising out of Hazardous Activities	740
Questions and Discussion	742
<i>Case of Budayeva et al. v. Russia</i>	743
Questions and Discussion	754
B. Natural Disasters and the Responsibility to Protect	755
Linda A. Malone, <i>The Responsibility to Protect Haiti</i>	756
Seth Mydans, <i>Myanmar Faces Pressure to Allow Major Aid Effort</i>	759
Françoise Bouchet-Saulnier, <i>Myanmar – Responsibility to Protect?</i>	760
Roberta Cohen, <i>Reconciling R2P with IDP Protection</i>	760
Questions and Discussion	764
IV. Refugees	764
Ethan Goffman, <i>Environmental Refugees: How Many, How Bad?</i>	765
Statement by Emanuela-Chiara Gillard, ICC Legal Adviser	767
Questions and Discussion	770
UNEP BALKANS, MANAGING THE KOSOVO REFUGEE CRISIS: ENVIRONMENTAL CONSEQUENCES	771
10. Environmental Rights and International Finance: The World Bank Example . . .	779
I. Intergovernmental Financial Institutions and Their Origins	779
IBRD Articles of Agreement: Article I	780
Questions and Discussion	780
Bank Information Center, Multilateral Development Banks and Burma	782
II. The World Bank and Environmental Rights	783
A. The Debate over Bank Policies	783
Kevin Huyser, <i>Sustainable Development: Rhetoric and Reform at the World Bank</i>	783
Questions and Discussion	787
B. The World Bank Inspection Panel	791
1. Beginnings	791
Bradford Morse & Thomas R. Berger, <i>Sardar Sarovar: The Report of the Independent Review</i>	791
Questions and Discussion	804

2.	Establishment of the Inspection Panel	804
	IBRD Resolution 93–10 and IDA Resolution 93–6	804
	Questions and Discussion	808
	Review of the Resolution Establishing the Inspection Panel:	
	Clarification of Certain Aspects of the Resolution	809
	Conclusions of the Board's Second Review of the Inspection	
	Panel	810
	Questions and Discussion	812
	Nepal: Proposed Arun III Hydroelectric Project and Restructuring	
	of the Arun III Access Road Project	817
	Questions and Discussion	831
	Yacyretá Hydroelectric Project Argentina/Paraguay Panel	
	Report and Recommendation to the Executive Directors of the	
	IBRD	832
	Questions and Discussion	839
C.	Office of Compliance Advisor and Ombudsman	841
	Nathalie Bernasconi-Osterwalder & David Hunter,	
	<i>Democratizing Multilateral Development Banks</i>	841
	<i>LEAT Bulyanhulu Complaint to IFC/MIGA Compliance</i>	
	<i>Advisor/Ombudsman</i>	843
	<i>CAO Assessment Report Summary</i>	850
	LEAT, Assessment Summary of the Complaint Regarding	
	MIGA's Guarantee of the Bulyanhulu Gold Mine,	
	Tanzania	851
	Questions and Discussion	861
11.	Human Rights, the Environment, and Corporate Accountability	863
I.	Multinational Corporations	865
	Eric W. Orts, <i>The Legitimacy of Multinational Corporations</i>	865
II.	The Rights of Corporations	871
	<i>Case of Verein Gegen Tierfabriken Schweiz (Vgt) v. Switzerland</i>	871
	<i>Case of Pine Valley Developments Ltd and Others v. Ireland</i>	879
	<i>Matos e Silva, Lda., et al. v. Portugal</i>	883
III.	International Attempts to Regulate Corporations	888
	Report of the U.N. High Commissioner on Human Rights and	
	Responsibilities of Transnational Corporations and Related	
	Business Enterprises with Regard to Human Rights	889
	Questions and Discussion	895
A.	OECD Guidelines	897
	OECD Guidelines for Multinational Enterprises	897
	Questions and Discussion	902
B.	ILO Tripartite Declaration	903
	Tripartite Declaration of Principles Concerning Multinational	
	Enterprises and Social Responsibility	903
	Questions and Discussion	905
C.	Norms on the Responsibilities of Transnational Corporations	906

Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

Contents	xxiii
David Weissbrodt & Muria Kruger, <i>Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights</i>	906
<i>Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights</i>	907
Questions and Discussion	910
Promotion and Protection of Human Rights	911
IV. Self-Regulation	912
<i>Business and Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts</i>	913
Questions and Discussion	915
<i>The Valdez Principles</i>	915
Questions and Discussion	916
Anita Margrethe Halvorssen, <i>Book Review, CHANGING COURSE: A GLOBAL BUSINESS PERSPECTIVE ON DEVELOPMENT AND THE ENVIRONMENT, BY STEPHEN SCHMIDHEINY WITH THE BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT</i>	918
Questions and Discussion	919
V. Domestic Regulation	919
Questions and Discussion	921
A. National Legislative Measures	921
Michael Ewing-Chow, <i>First Do No Harm: Myanmar Trade Sanctions and Human Rights</i>	921
<i>Burmese Freedom and Democracy Act of 2003</i>	923
Questions and Discussion	925
B. Civil Litigation – The U.S. Alien Tort Statute Example	926
1. The Alien Tort Statute	927
Harold Hongju Koh, <i>Transnational Public Law Litigation</i>	927
Questions and Discussion	930
<i>Sosa v. Alvarez-Machain</i>	931
Questions and Discussion	934
Ralph Steinhardt, <i>Laying One Bankrupt Critique to Rest: Sosa v. Alvarez Machain and the Future of Human Rights Litigation in U.S. Courts</i>	935
2. Litigating Environmental Claims Under the ATS	936
Richard L. Herz, <i>Litigating Environmental Abuses Under the Alien Tort Claims Act: A Practical Assessment</i>	936
<i>Benal v. Freeport-McMoran, Inc.</i>	937
<i>Esther Kiobel, et al. v. Royal Dutch Petroleum Company</i>	941
<i>Flores v. Southern Peru Copper Corp.</i>	955
Questions and Discussion	963
<i>Provincial Government of Marinduque v. Placer Dome, Inc., Barrick Gold Corp.</i>	963
VI. International Complaints and Investigations	970
Olivier De Schutter, <i>Promotion and Protection of All Human Rights, Civil, Political, Economic, Social, and Cultural Rights, Including the Right to Development</i>	970

Cambridge University Press
978-0-521-74710-3 - Environmental Protection and Human Rights
Donald K. Anton and Dinah L. Shelton
Frontmatter
[More information](#)

xxiv

Contents

Raquel Rolnik, <i>Promotion and Protection of All Human Rights, Civil, Political, Economic, Social, and Cultural Rights, Including the Right to Development</i>	974
Questions and Discussion	975
Index	977

Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

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Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

xxvi

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Cambridge University Press

978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

Acknowledgments

xxvii

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978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

xxviii

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978-0-521-74710-3 - Environmental Protection and Human Rights

Donald K. Anton and Dinah L. Shelton

Frontmatter

[More information](#)

Acknowledgments

xxix

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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

Abbreviations

xxxiii

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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Frontmatter

[More information](#)

Table of Cases

Cases

- Aerial Herbicide Spraying* (Ecuador v. Colombia), 2008 ICJ 4-28 General List No. 138 (Mar. 31, 2008) – (ch. 12 online)
- Apirana Mahuika et al. v. New Zealand*, Communication No. 547/1993, decided Nov. 15, 2000, CCPR/C/70/D/547/1993 – ch. 8
- Beanal v. Freeport-McMoran, Inc.*, 197 F.3d 161 (5th Cir.1999) – ch. 11
- Brun v. France*, Communication No. 1453/2006 Admissibility, U.N. Doc. CCPR/C/88/D/1453/2006; IHRL 1555 (UNHRC 2006) (Nov. 23, 2006) – ch. 6
- Canada Ltée (Spraytech, Société d'arrosage) and Services des espaces verts Ltée/Chemlawn v. Hudson (Town)*, Judgment of the Supreme Court, 200 D.L.R. (4th) 419, 425–40, (2001) 2 SCR 241; ILDC 185 (CA 2001) – ch. 1
- Case Concerning the Gabčíkovo-Nagymaros Project* (Hungary v. Slovakia), 1997 I.C.J. 7, 77–78 – ch. 1
- Case of Bladet Tromsø & Stensaas v. Norway*, Application No. 21980/93, 1999-III Eur. Ct. H.R. 289 (May 20, 1999) – ch. 7
- Case of Budayeva et al. v. Russia*, Application Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02, Eur. Ct. H.R. (Mar. 20, 2008) – ch. 9
- Case of Pine Valley Developments Ltd et al. v. Ireland*, Eur. Ct. Hum. Rts., App. No. 12742/87 (Nov. 29, 1991) – ch. 11
- Case of the Saramaka People v. Suriname*, Inter-Am. Ct. Hum. Rts. (ser. C), No. 172 (Nov. 28, 2007) – ch. 8
- Case of the Sawhoyamaya Indigenous Community v. Paraguay*, Inter-Am. Court Hum. Rts. (ser. C), No. 146 (Mar. 29, 2006) – ch. 8
- Case of Verein Gegen Tierfabriken Schweiz (Vgt) v. Switzerland*, Eur. Ct. Hum. Rts., App. No. 24699/94, Reports of Judgments and Decisions 2001-VI (June 28, 2001) – ch. 11
- Chile: Financing of Hydroelectric Dams in the Bío Bío River* (1995) [Inspection Panel's Decision Not to Register Request for Inspection] – ch. 10
- Claude Reyes et al. v. Chile*, Inter-Am. Ct. Hum. Rts. (ser. C), No. 151 (Sept. 19, 2006) – ch. 7
- Clean Air Foundation Limited & Gordon David Oldham v. Government of the Hong Kong Special Administrative Region*, HCAL 35/2007, Court of First Instance, Constitutional and Administrative Law List, No. 35 of 2007, Judgment of July 26, 2007 – ch. 6
- Esther Kiobel et al. v. Royal Dutch Petroleum Co. et al.*, 456 F. Supp. 2d 457 (S.D.N.Y. 2006) – ch. 11
- Fadeyeva v. Russia*, Eur. Ct. Hum. Rts., App. No. 55723/00, Rep. Judgments & Decisions 2005-IV (June 9) – ch. 6
- Flores v. Southern Peru Copper Corp.*, 414 F.3d 233 (2nd Cir. 2003) – ch. 11