

International Environmental Law

This textbook provides a concise, conceptually clear and legally rigorous introduction to contemporary international environmental law and practice. Written in an accessible style, the book covers all the major multilateral environmental agreements, paying particular attention to their underlying structure, their main legal provisions and their practical operation. The material is structured into four parts: Part I – Foundations, Part II – Substantive Regulation, Part III – Implementation and Part IV – International Environmental Law as a Perspective. The presentation of the material blends policy and legal analysis and makes extensive reference to the relevant treaties, instruments and jurisprudence. All chapters include a detailed bibliography, along with numerous figures to summarise the main components of the regulation and ensure that readers do not lose sight of the ‘forest’ while focusing on the ‘trees’.

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International Environmental Law

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Abbreviations

AB	Appellate Body of the WTO Dispute Settlement Body
African Commission	African Commission of Human and Peoples' Rights
African Court	African Court of Human and Peoples' Rights
APEC	Asia Pacific Economic Co-operation
ASMA	Antarctic Specially Managed Areas
ASPA	Antarctic Specially Protected Areas
ATCM	Antarctic Treaty Consultative Meeting
ATS	Antarctic Treaty System
BAT	Best available technology
BCH	Biosafety Clearing House
BIT	Bilateral Investment Treaty
CBDR	Common but differentiated responsibility
CDM	Clean development mechanism
CESCR	UN Committee on Economic, Social and Cultural Rights
CFR	United States Code of Federal Regulations
CMP	Conference of the Parties acting as the Meeting of the Parties
COP (COPs)	Conference(s) of the Parties
CRF	Common reporting format
CSD	Commission for Sustainable Development
ECOSOC	UN Economic and Social Council
ECtHR	European Court of Human Rights
EEZ	exclusive economic zone
EGS	environmental goods and services
EIA	environmental impact assessment
EMEP	European Monitoring and Evaluation Programme
EPA	United States Environmental Protection Agency
ETIS	Elephant trade information system
FAO	UN Food and Agriculture Organisation
FTA	Free trade agreement
GA (or UNGA)	United Nations General Assembly
GAOR	UN General Assembly Official Records

GAW	Global Atmosphere Watch
GDP	gross domestic product
GEF	Global Environmental Facility
GMA	global mercury assessment
GMO	genetically modified organism
HRC	UN Human Rights Committee
IAEA	International Atomic Energy Agency
ICEF	International Court of the Environment Foundation
ICJ	International Court of Justice
ICCommHR	Inter-American Commission on Human Rights
ICSID	International Centre for Settlement of Investment Disputes
ICtHR	Inter-American Court of Human Rights
IDI	Institut de Droit International
IIA(s)	International Investment Agreement(s)
IISD	International Institute for Sustainable Development
ILA	International Law Association
ILC	International Law Commission
ILM	International Legal Materials
IMO	International Maritime Organisation
INC	Inter-governmental negotiating committee
IOMC	Inter-organisation Programme for the Sound Management of Chemicals
IPCC	International Panel on Climate Change
IPR	intellectual property rights
ITLOS	International Tribunal for the Law of the Sea
IUCN	International Union for the Conservation of Nature
LMO	living modified organism
MDG	Millennium Development Goal
MEA(s)	Multilateral Environmental Agreement(s)
MIKE	Monitoring the Illegal Killing of Elephants
NAFO	Northwest Atlantic Fisheries Organisation
NCP	Non-compliance procedures
NGO	Non-governmental organisation
NIR	National inventory report
OAS	Organisation of American States
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
PCA	Permanent Court of Arbitration
PES	payment for eco-system services
PIC	prior informed consent
POP	persistent organic pollutants
PPP	public-private partnership

REDD	Reduced Emissions from Deforestation and Forest Degradation
RFMO	regional fisheries management organisation
RIAA	Reports of International Arbitral Awards
SAICM	Strategic Approach to International Chemicals Management
SC (or UNSC)	United Nations Security Council
SDG	sustainable development goals
SFDI	Société française pour le droit international
SGRP	System-wide Genetic Resources Programme of the Treaty on Plant Genetic Resources
TFDD	www.transboundarywaters.orst.edu
TOMAs	tropospheric ozone management areas
TWC	Reports of Trials of War Criminals
UN	United Nations
UNCC	United Nations Compensation Commission
UNCED	United Nations Conference on Environmental Development
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Commission on Trade and Development
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNHCR	United Nations High Commissioner for Refugees
UNTS	United Nations Treaty Series
VOC	volatile organic compound
WMO	World Meteorological Organisation
WTO	World Trade Organisation
WWF	World Wildlife Fund

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30 June 1885	Treaty concerning the Regulation of Salmon Fishery in the Rhine River Basin, available at: www.ecolex.org (TRE-000072).		4
29 July 1899	Hague Declaration (IV, 2) concerning Asphyxiating Gases, 187 CTS 453.		357
19 March 1902	Convention for the Protection of Birds useful to Agriculture, B7 p. 902:22.		4
21 May 1906	Treaty between the United States of America and Mexico concerning the Equitable Distribution of the Waters of the Rio Grande, 34 Stat. 2953.		6

(cont.)

Date	Full reference	Abbreviation	Pages
18 October 1907	Convention (No. IV) respecting the Laws and Customs of War on Land and its Annex: Regulations concerning the Laws and Customs of War on Land, 205 CTS 277.	Hague Convention IV	346, 347, 357
7 July 1911	Convention between the United States, Great Britain, Japan and Russia providing for the Preservation and Protection of the Fur Seals, 37 Stat. 1542.	Fur Seals Convention	4, 159
17 June 1925	Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 94 LNTS 65.	1925 Geneva Protocol	356, 357, 358, 359
8 November 1927	Convention for the Abolition of Import and Export Prohibitions and Restrictions, 97 LNTS 391.		391
24 September 1931	Convention for the Regulation of Whaling, available at: www.ecolex.org (TRE-000073).		4, 158
12 October 1940	Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere, 56 Stat. 1354, TS 981.	Western Hemisphere Convention	159

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3 February 1944	Treaty between the United States of America and Mexico relating to the utilization of the Waters of the Colorado and Tijuana Rivers and of the Rio Grande, 3 UNTS 314.	1944 Water Utilisation Treaty	6
26 June 1945	Charter of the United Nations, 1 UNTS XVI.		29, 65, 237, 363, 364, 365, 367
16 October 1945	Constitution of the Food and Agriculture Organization of the United Nations, 12 UST 980.		29
2 December 1946	International Convention for the Regulation of Whaling with Schedule of Whaling Regulations, 161 UNTS 361.	Whaling Convention	4, 77, 158, 160, 162, 163, 164, 166–7
11 October 1947	Convention of the World Meteorological Organization, 77 UNTS 143.		29
6 March 1948	Convention of the International Maritime Organization, 289 UNTS 4.		29
24 March 1948	Havana Charter for an International Trade Organisation, UN Doc. E/Conf. 2178.	Havana Charter	391

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18 August 1948	Convention Concerning the Regime of Navigation on the Danube, available at: www.ecolex.org (TRE-000555).		6
12 August 1949	Geneva Convention Relative to the Treatment of Prisoners of War, 75 UNTS 31.	III Geneva Convention	314
12 August 1949	Geneva Convention Relative to the Treatment of Civilian Persons in Time of War, 75 UNTS 287.	IV Geneva Convention	26, 314, 347, 349
8 April 1950	Protocol to Establish a Tripartite Standing Commission on Polluted Waters, available at: www.ecolex.org (TRE-000493).		6
4 November 1950	Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, 213 UNTS 221.	ECHR	305, 320, 325
20 March 1952	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, ETS 9.	Protocol I	308

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12 May 1954	International Convention for the Prevention of Pollution of the Sea by Oil, 327 UNTS 3.	OILPOL	101
17 September 1955	Convention Concerning the Regulation of Lake Lugano and its Additional Protocol, 291 UNTS 218.		6
26 October 1956, as amended on 28 December 1989	Statute of the Atomic Energy Agency, available at: www.iaea.org .		146
1 December 1959	The Antarctic Treaty, 402 UNTS 71.	Antarctic Treaty	26, 73, 83, 106, 114, 115, 177, 182, 183, 184, 361
29 July 1960	Convention on Third Party Liability in the Field of Nuclear Energy, 956 UNTS 251.	Paris Convention	259, 261–4
27 October 1960	Agreement on the Protection of Lake Constance Against Pollution, available at: www.ecolex.org (TRE-000464).		6
16 November 1962	Agreement between France and Switzerland on the Protection of Lake Geneva, 1974 UNTS 54.		6
14 December 1962	'Permanent Sovereignty over Natural Resources', UN Doc. A/RES/1803/XVII	Resolution 1803	6–7, 20, 34, 35, 56, 113

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29 April 1963	Agreement Concerning the International Commission for the Protection of the Rhine against Pollution, available at: www.ecolex.org (TRE-000484).		6
21 May 1963	Convention on Civil Liability for Nuclear Damage, 1063 UNTS 265, as subsequently amended by the Protocol to amend the Vienna Convention on Civil Liability for Nuclear Damage, 12 September 1997, 2241 UNTS 302.	Vienna Convention	260, 261–4
5 August 1963	Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water, 480 UNTS 43.	PNTB	362
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16 December 1966	International Covenant on Civil and Political Rights, 999 UNTS 171.	ICCPR	75, 305, 306, 311, 317, 334
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