

INDEX

- Aarhus Convention
- on access to justice, 299, 303–304
 - agreement provision in, 270–271, 281
 - on broad-based participation, 265–266
 - compliance mechanism in, 181, 284–285
 - on constitutionalization of environmental rights, 212
 - on deliberative process, 271
 - enforcement procedures, 136–137
 - on fairness and inclusivity, 268
 - in human rights, 280–283
 - participatory process in, 255
 - procedural safeguards in, 199, 220–221
 - on rationality, 270
 - on right to environment, 212
 - stakeholders, defined, 330–331
 - on timely release of information, 250–251
- Abu Dhabi Fund for Development, 41
- Access to Information (ATI)
- under CDM Rules, 111–112
 - contents of, 242–244
 - costs, 252–253
 - defined, 113
 - FOI Acts, 117–119
 - legal status debates, 112–113
 - maximum disclosure, 244–245
 - obligation to publish, 248–250
 - in public disclosure programmes, 330
 - public education/awareness, 253–255
 - recognition by courts/conventions, 113–117
 - scope of exceptions, 245–248
 - timely access, 250–252
 - transparency, need for, 119–120
- access to justice
- appropriate forum access, 303–307
 - effective administration of, 308–309
 - elements of, 297–298
 - exhaustion rule, 298–299
 - legal awareness and, 307–308
 - legal framework for, 298–303
 - project review/complaints procedure, 130–138
- accountability. *See also* WBIP (World Bank Inspection Panel)
- in CDM projects, 280–283
 - elements/indicators of, 283–284
 - outcomes and, 287–289
 - process measures, 286–287
 - structural conditions for, 291–292
 - in UN agencies, 281–282
 - WBIP example, 288–289
- Acheampong, I. K., 172
- ACHR (American Convention on Human Rights), 10, 91–92, 105–106, 114, 135, 262
- ACIA (Arctic Climate Impact Assessment), 214–215
- actio popularis*, 302. *See also* justice, access to
- adaptation vs. mitigation, 3
- AfCHPR (African Charter on Human and Peoples Rights)
- on access to justice, 134
 - complaint mechanisms, 135
 - on gas flaring, 103
 - guarantees of, 96
 - on health concerns, 105–106
 - on human rights mainstreaming, 153
 - on right to development, 212
 - on right to life, 102–103
 - on right to property, 91–92, 93

- African Commission on Human Rights, 93, 117
- African Development Bank, 146–147
- African Development Fund (ADF), 41
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement), 324
- agreement types, in carbon projects, 67
- Aguan Biogas project, 11–12, 76–77, 102
- Aguinda v. Texaco*, 205–206
- airports, noise pollution and, 204–205
- Alston, P., 232–233
- Alvarez-Machain, Sosa v.*, 205–206
- American Commission on Human Rights, 100–101
- American Convention on Human Rights (ACHR). *See* ACHR (American Convention on Human Rights)
- American Declaration on the Rights of Indigenous Peoples, 262
- Amlon Metals Inc. v. FMC Corp.*, 205–206
- Amnesty International, 374
- Anderson, M., 200–201, 217–218
- annexes, of climate change instruments, 360–361
- Annexes to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 361
- approaches, to human rights mainstreaming. *See* HRBA (Human Rights Based Approach); procedural rights approach; substantive human rights approach
- approval framework (in HRBA)
 - EIA, need for, 313
 - HRIA threshold, 322–327
 - information disclosure system, 327–330
 - legal threshold, 311–313, 335–336
 - PDD in, 313–314
 - pre-project eligibility screen, 313–314
 - review mechanisms, 333–335
 - stakeholder review, 330–333
 - sustainable development screen, 314–318
- arbitration, 305. *See also* justice, access to
- Arctic Climate Impact Assessment (ACIA), 214–215
- Arctic warming, 214
- Article 19 Group, 243
- Asian Development Bank, 146–147
- Asociación Española de Normalización y Certificación (AENOR), 85
- Atapattu, S., 211–212
- ATCA (United States Aliens Torts Act), 205–206
- ATI (Access to Information)
 - under CDM Rules, 111–112
 - contents of, 242–244
 - costs, 252–253
 - defined, 113
 - FOI Acts, 117–119
 - legal status debates, 112–113
 - maximum disclosure, 244–245
 - obligation to publish, 248–250
 - in public disclosure programmes, 330
 - public education/awareness, 253–255
 - recognition by courts/conventions, 113–117
 - scope of exceptions, 245–248
 - timely access, 250–252
 - transparency, need for, 119–120
- awareness, public education and, 252–253
- Awas Tingni community, 93–94, 262
- Bali Action Plan (BAP), 38
- Ban, Ki-Moon, 3
- Baros, M., 152
- barriers, to rights-based reform
 - negotiation blocks/alignment, 375–379
 - political will, 371–375
 - unresolved dilemmas/regime uncertainties, 379–381
- Barro Blanco Hydroelectric Power Plant, 82–86, 90–91, 94, 99, 229

- Barton, B., 168, 169–170
Beanal v. Freeport McMoran, Inc., 205–206
 Belize, indigenous communities of, 96–97, 100–101
 Bentham, J., 193
 Betsill, M., 271
 Beveridge, F., 184–185
 BioCarbon Fund Initiative for Sustainable Forest Landscapes, 41
 biofuel projects
 food prices and, 98
 health effects of, 105
 Blackburn, R., 151
 Bolivia, constitutionalization of environmental rights, 212
 Boyle, A., 200–202
 Brazil
 Kayapó territory in, 98
 land grab concerns, 87
 Yanomami Indians v. Brazil, 101, 103, 204
 Bruntland Commission, 46
 burden sharing, 275–391. *See also* equality/non-discrimination
 Butegwa, C., 307

 Cancun Decision, 18, 110, 131–132, 163, 361–362
 carbon agreements, types of, 67
 Carbon dioxide (CO₂). *See* CO₂ (Carbon dioxide); CO₂ eq (carbon dioxide equivalent)
 carbon finance, as key concept, 30–32
 carbon finance instruments, 39–67
 Carbon Finance Unit (CFU), 41
 Carbon Fund for Europe, 41
 carbon projects
 certification scheme for, 367–369
 for emission reduction, 30–32
 minimum project sizes, 66
 types of, 66
 carbon projects, design/development of activities/skills required, 63–64
 agreements in, 67
 CDM purposes, 64
 evaluation, 73–75
 host government approval, 68–69
 identification/scoping, 66–68
 implementation/crediting, 72–73
 key stages in, 65–66
 locations of, 66–67
 PDD in, 69–70
 registration, 71–72
 start dates, 67
 UK/Nigeria example, 64–65
 verification/validation, 70–71
 carbon projects, human rights consequences
 consultative/participatory rights loss, 111
 culture/tradition loss, 95–97
 discriminatory practices, 107–110
 displacement of people, 90–95
 health concerns, 104–106
 loss of life, 102–104
 right to development and, 90
 subsistence rights loss, 98–102
 care, duty of, 165–166
 CDM (Clean Development Mechanism). *See also* human rights concerns (CDM examples)
 benefits of, 8
 calls for change in, 14–17
 criticisms of, 8–11
 development of, 7–8
 eligibility requirements, 30
 emission trading under, 7
 host government approval, 68–69
 human rights issues in, 57
 as key concept, 33–34
 project design, 69–70
 project identification/scoping, 66–68
 project registration, 71–72
 project verification/validation, 70–71
 purposes of, 64
 UK/Nigeria example, 64–65
 CDM EB (Executive Board of the Clean Development Mechanism)
 accountability of, 282, 285–286, 294
 Aguan Biogas project and, 11–12, 76–77, 347
 approvals by, 12, 102, 119
 CER issuance by, 72
 criticisms of, 9, 343–344
 establishment/functions of, 68, 71

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

400

INDEX

CDM EB (cont.)

- host countries and, 73, 253
- human rights issues and, 77, 84, 132–133, 138–139, 229, 358–359
- legal frameworks for, 311–312
- outsourcing by, 74–75
- project registration/verification, 70, 71–72
- reforms and, 230
- suspensions by, 35–36
- tasks/oversight role of, 32, 34–35, 71
- transparency of, 291–292, 345

CDM Policy Dialogue, 19

CDM Rules

- ATI in, 111–112
- DNA under, 68–69
- EIA requirements, 313
- eligibility requirements, 71, 73
- expertise requirements, 346
- human rights protections, 343–344, 345
- outsourcing by, 74–75
- on stakeholder participation, 127, 133

CEDAW (Convention on the Elimination of All Forms of Discrimination against Women)

- complaint mechanisms, 135
- on right to property, 91–92
- on women in public/political life, 109–110

Central American Bank for Economic Integration (CBIE), 83–84

CER (Certified Emissions Reductions)

- in human rights obligations, 182
- issuance of, 73
- as land grab compensation, 94
- purchase of, 34–35

CERD (Convention on Elimination of Racial Discrimination)

- complaint mechanisms, 135
- discrimination description by, 108–109

FRIC concept and, 261–262

certification scheme, in carbon finance, 367–369

CESCR (Committee on Economic, Social and Cultural Rights), 261.
See also ICESCR (International Covenant on Economic, Social and Cultural Rights)

CfCs (Chlorofluorocarbons), 29–30

CFU (Carbon Finance Unit), 41

Chambers, R., 171

Changuinola (Chan 75) hydroelectric dam, 82, 85, 90–91

Chile, Marcel Claude Reyes et al v., 114–115

Chile, Río Cóndor project, 114–115

civil society organizations (CSOs), 40–41

clarifications (CLRs), 70

Clark, T., 149

Clean Development Mechanism

(CDM). *See also* CDM EB (Executive Board of the Clean Development Mechanism); human rights concerns (CDM examples)

benefits of, 8

calls for change in, 14–17

criticisms of, 8–11

development of, 7–8

eligibility requirements, 30

emission trading under, 7

host government approval, 68–69

human rights issues in, 57

as key concept, 33–34

project design, 69–70

project identification/scoping, 66–68

project registration, 71–72

project verification/validation, 70–71

purposes of, 64

UK/Nigeria example, 64–65

climate change

evidence for, 5

as generational concern, 5–6

vs. Global Warming, 5

human rights language and, 179–182

human rights legal partnerships, 183–184

human rights linkage, 198–209

as key concept, 29–30

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

INDEX

401

- “right to be cold,” 210–213, 214, 215–216, 218
- Climate Investment Funds (CIF), 41
- CO₂ (carbon dioxide), 29–30, 52–57, 66, 79
- CO₂ eq (carbon dioxide equivalent)
 - GHG conversion to, 31
 - mitigation costs, 6, 35
 - UK reduction commitments, 64–65
- cold, right to be, 210–213, 214, 215–216, 218
- Commentary on the Norms and Responsibilities of Transnational Corporations and other Businesses with Regard to Human Rights (UN), 109–110
- Committee on Economic, Social and Cultural Rights (CESCR), 261. *See also* ICESCR (International Covenant on Economic, Social and Cultural Rights)
- Common Understandings on HRBAs*, 222–223, 241
- Community Development Carbon Fund, 41
- compensation/settlement options, 89
- complaint mechanisms, in carbon projects, 130–138. *See also* institutional framework (in HRBA); Public Complaints Branch (PCB)
- compliance committee, 350–352. *See also* institutional framework (in HRBA)
- concept definitions
 - carbon finance, 30–32
 - carbon finance instruments, 39–67
 - Clean Development Mechanism (CDM), 33–34
 - climate change, 29–30
 - debt-for-nature swaps (DfNS), 45–46
 - Emissions Trading (ET), 32–33
 - environment, 28–29
 - hierarchy of rights, 28
 - human rights, 25–28
 - international climate change regime and, 56
 - Joint Implementation (JI), 32–33
 - Kyoto Flexibility Mechanisms, 32–36
 - legal instruments under
 - international law, 27
 - REDD/REDD+ projects, 36–39
 - soft law, 52–57
 - sustainable development, 46–52
- Conference of the Parties (COP). *See* COP (Conference of the Parties)
- conflict diamond industry, 367–369
- consent (Free Prior Informed Consent)
 - agreement and, 270–271
 - broad-based participation, 265–267
 - concept of, 257–264
 - definitions/meanings, 258–259
 - fairness and inclusivity, 268–269
 - IFC Performance Standards, 263–264
 - ILO’s introduction of, 259–260
 - implementation of, 265
 - for indigenous peoples, 261–262
 - influence in, 271–272
 - rational processes in, 269–270
 - Ruggie Guiding Principles, 262–263
 - in stakeholder review, 331–332
 - in UNDRIP, 260–261
- consultative/participatory rights loss, 111. *See also* ATI (Access to Information)
- Convention 169 on Indigenous and Tribal People, 95–96
- Convention Against Torture (CAT), 135
- Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific, 46–47
- Convention on Elimination of Racial Discrimination (CERD). *See* CERD (Convention on Elimination of Racial Discrimination)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). *See* CEDAW (Convention on the Elimination of All Forms of Discrimination against Women)

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

402

INDEX

- Convention on the Rights of the Child, 122–123
- Convention on Transboundary Effects of Industrial Accidents, 124–125
- Cool Earth Partnership, 41
- COP (Conference of the Parties)
 - Cancun Decision, 18, 110, 131–132, 163, 361–362
 - coordination with lead agency, 340
 - human rights language and, 358–360, 388–389
 - ‘managerialism’ critique of, 375–376
 - role of, 57
 - soft law and, 52, 233
 - subsistence rights and, 101–102
- Copenhagen Accord, 376–377, 379
- Corell, E., 271
- corporate social responsibility (CSR), 41–42
- corrective actions (CARs), 70
- costs
 - of ATI, 252–253
 - of HRBA, 235–236
- Council of Europe, 115–116, 135–136
- courts, enforcement by, xiii. *See also specific courts*
- credit period (for emission reductions), 72–73
- critiques, of human rights
 - mainstreaming
 - ambiguities and, 176–177
 - neoliberalism and, 184–191
 - outsider interpretation, 230–235
 - proliferation debates, 177–182
 - redundancy debates, 182–184
- Cross River community, 95–97
- CSOs (civil society organizations), 40–41
- cultural rights, 95–97. *See also* ICESCR (International Covenant on Economic, Social and Cultural Rights)
- data segregation, 391. *See also* equality/non-discrimination
- debt-for-nature swaps (DfNS), 45–46
- definitions, of key concepts
 - carbon finance, 30–32
 - carbon finance instruments, 39–67
 - Clean Development Mechanism (CDM), 33–34
 - climate change, 29–30
 - debt-for-nature swaps (DfNS), 45–46
 - Emissions Trading (ET), 32–33
 - environment, 28–29
 - hierarchy of rights, 28
 - human rights, 25–28
 - international climate change regime and, 56
 - Joint Implementation (JI), 32–33
 - Kyoto Flexibility Mechanisms, 32–36
 - legal instruments under international law, 27
 - REDD/REDD+ projects, 36–39
 - sustainable development, 46–52
- deforestation, 36–37. *See also* REDD (Reducing Emissions from Deforestation and Forest Degradation); REDD+ (REDD together with sustainable forest management and enhancement of carbon stocks)
- DEG (Deutsche Entwicklungsgesellschaft), 76–77, 83–84, 229
- deliberative democracy, 256–257
- Designated National Authority (DNA). *See* DNA (Designated National Authority)
- Designated Operational Entity (DOE). *See* DOE (Designated Operational Entity)
- design/development, of carbon projects
 - activities/skills required, 63–64
 - agreements in, 67
 - CDM purposes, 64
 - evaluation, 73–75
 - host government approval, 68–69
 - identification/scoping, 66–68
 - implementation/crediting, 72–73
 - key stages in, 65–66
 - locations of, 66–67
 - PDD in, 69–70
 - registration, 71–72
 - start dates, 67

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

INDEX

403

- UK/Nigeria example, 64–65
- verification/validation, 70–71
- development, right to
 - carbon projects and, 90
 - environmental protections and, 202–203
 - as human right, 99
 - under international law, 89, 90
 - role of participation in, 121
- DfNS (debt-for-nature swaps), 45–46
- diamonds, conflict, 367–369
- ‘disaster capitalism,’ 187
- disclosure. *See* ATI (Access to Information)
- discriminatory practices, in carbon projects, 107–110. *See also* CEDAW (Convention on the Elimination of All Forms of Discrimination against Women); CERD (Convention on Elimination of Racial Discrimination); equality/non-discrimination
- displacement of people, 9–10, 90–95. *See also* right to development (RTD)
- DNA (Designated National Authority)
 - accountability of, 283
 - ATI rights and, 330
 - disclosure requirements of, 251–252
 - EIAs, need for, 313
 - facilitative role of, 332–333
 - non-discrimination/equality requirements, 273
 - project endorsement by, 68–69
 - public awareness/participation, 253, 269, 270
- DNV (Norwegian DOE), 35, 74
- DOE (Designated Operational Entity)
 - Barro Blanco validation, 85
 - CDM project verification/validation process, 70–71
 - collusion allegations, 35–36
 - human rights considerations, 132–133, 230, 231–232
 - oversight role of, 74–75
 - PDD approval by, 69–70
 - project monitoring by, 72–73
 - referral back to, 229
 - suspension of, 74
- Doha Conference, 378–379, 390
- Do No Harm assessment, 320
- Down to Earth Group, 374
- drinking water, 249
- due diligence
 - guidelines for project participants, 365–367
 - HRIA matrix, 325
- due process, in human rights conflicts, 194–195. *See also* procedural rights approach
- Durban Conference, 19
- Dutch government. *See* Netherlands
- duty of care/loyalty, 165–166
- Earth Justice, 374
- Earth Right, 374
- ECHR (European Convention on Human Rights), 91–92, 115–116, 134, 135
- Economic Commission for Europe (ECE), 220
- economic criteria, 318. *See also* sustainable development (SD) screen
- Ecuador, constitutionalization of environmental rights, 212
- EDF Trading (Electricité de France SA’s), 76
- education/awareness, 253–255. *See also* ATI (Access to Information)
- EIA (Environmental Impact Assessment)
 - CDM Rules for, 112, 313
 - in HRBA, 313
 - lack of, 79
 - non-discrimination policies and, 277–391
 - in REDD+ projects, 89
 - in right to health, 106
 - as ‘smokescreen’, 80
- eligibility screen, 313–314. *See also* project approval framework (in HRBA)
- emission reduction and carbon sales agreements (ERPA), 66–68

- emission reductions
 - credit issuance for, 72–73
 - EU commitments, 64–65
- Emission Reduction Unit (ERU), 33
- Emissions Trading (ET), 7, 32–33
- endangered species, 84–85
- Endorois Welfare Council v. Kenya*, 202–203
- enforcement committee, 350. *See also* institutional framework (in HRBA)
- ENGOS (Environmental NGOs), 374
- environment, as key concept, 28–29
- environmental criteria, 319–322. *See also* sustainable development (SD) screen
- environmentalists, as interpreters of human rights, 230–231
- Environmental NGOs (ENGOS), 374
- environmental protection/rights
 - constitutionalization of, 212
 - indirect approach to, 201–210
- environmental racism, 107, 276
- Environmental Rights Action (ERA), 81–82, 128, 267
- environmental treaties, participation
 - in, 124–130. *See also specific treaties*
- epistemic communities, defined, 231
- equality/non-discrimination
 - burden sharing and, 275–391
 - data segregation in, 391
 - as HRBA focus, 273
 - opportunity and, 273–275
 - for vulnerable groups, 272–273
- Equator Principles (EP), 263–264, 363–364
- equity, linkage to sustainability, xiii
- ERPA (emission reduction and carbon sales agreements), 66–68
- ERT (Expert Review Team), 132, 284, 292, 296, 348–349
- ERU (Emission Reduction Unit), 33
- Espoo Convention, 126
- ET (Emissions Trading), 7, 32–33
- EU (European Union)
 - Aarhus Convention and, 220
 - Copenhagen Accord support, 377
 - emission reduction commitments, 64–65
 - human rights mainstreaming
 - support, 146–147, 221–222
 - law enforcement, xiii
- European Convention on Human Rights (ECHR), 91–92, 115–116, 134, 135
- European Court of Human Rights, 204
- European Social Charter, 105–106
- Ewald, W., 163–164
- Executive Board of the Clean Development Mechanism (CDM EB). *See* CDM EB (Executive Board of the Clean Development Mechanism)
- exhaustion rule, 298–299. *See also* justice, access to
- Exportadora del Atlantico, 76
- fairness, in decision making, 268–269
- FAO (Food and Agriculture Organization of the United Nations), 36–37, 54, 100
- farmland, loss of, 100
- Figueres, Christiana, 19
- financial flows, from GHG allowance trading market, 7
- Finland, Ilmari Lansman et al v.*, 123–124
- FMC Corp., Amlon Metals v.*, 205–206
- food, right to, 98–102
- foreign investment arbitration, 305. *See also* justice, access to
- forest degradation, 36–37
- forums, access to, 303–307. *See also* justice, access to
- FPIC (Free Prior Informed Consent)
 - agreement and, 270–271
 - broad-based participation, 265–267
 - concept of, 257–264
 - definitions/meanings, 258–259
 - fairness and inclusivity, 268–269
 - IFC Performance Standards, 263–264
 - ILO's introduction of, 259–260
 - implementation of, 265
 - for indigenous peoples, 261–262

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

INDEX

405

- influence in, 271–272
- rational processes in, 269–270
- Ruggie Guiding Principles, 262–263
- in stakeholder review, 331–332
- in UNDRIP, 260–261
- fragmentation, of international law, 154, 159–161
- Francioni, F., 209, 298
- Freedom of Information (FOI) Act, 117–119
- Freeman, M., 192, 194
- Freeport McMoran, Inc., Beanal v.*, 205–206
- full belly thesis, 172–176
- further research needs, 395–396
- Gabcikovo Nagymoros Case*, 47, 202
- Galtung, J., 177
- gas flaring, 78, 79, 80–81
- Gazprom, 87–88
- Gbemre v. Shell*, 103
- GEF (Global Environment Facility), 40–41, 42–67
- Generadora del Istmo S. A., 83–84
- German Investment Corporation (DEG), 76–77, 83–84, 229
- GHGs (Green House Gases)
 - allowance trading market for, 7
 - CDM projects and, 64
 - types of, 29–30
 - UK reduction commitments, 64–65
- Global Climate Change Alliance, 41
- Global Warming, vs. climate change, 5
- Global Witness, 368–382
- Gold Standard Certification, 320
- Gold Standard Foundation, 320
- Green Climate Fund (GCF), 40
- Greenpeace International, 374
- grievance mechanisms, in carbon projects, 130–138
- Grupo Dinant, 76
- Gwam, C., 173
- Hague District Court, xiii, 202
- Hall, M., 214–215
- Hanqin, X., 157–158
- Harding, A., 201
- Harvey, C., 149
- Hatton v. United Kingdom*, 204–205
- Haya, B., 188
- health concerns, in carbon projects, 104–106
- Heathrow Airport, 204–205
- hierarchy of rights, as key concept, 28
- Higgins, R., 53
- Honduras, 11–12, 76–77, 102
- host government approval, of CDM projects, 64, 68–69
- Howard, Rhonda, 172, 173–174
- HRBA (Human Rights Based Approach). *See also* ATI (Access to Information); participation/participation rights
 - adoption of, 54–56
 - aim of, 228, 229
 - Common Understandings on HRBAs*, 222–223, 241
 - epistemic concerns, 230
 - equality/non-discrimination in, 273
 - framework reference, 3–4
 - HRE in, 234–235, 307–308
 - on indivisibility of rights, 227–228
 - inequitable power relations and, 227
 - institutional integration need, 233–234
 - inter-connected norms, 224–225, 241
 - international climate change regime and, 225–226
 - as legal framework, 228–229
 - legal/theoretical basis, 143–144
 - norms/principles of, 58–59
 - operational framework, lack of, 236–237
 - outsider interpretation of rights, 230–235
 - as policy frame, 199–200, 223–224
 - Programme for Reform* (1997), 54
 - on public empowerment, 226
 - resource/cost implications, 235–236
 - role of soft law, 233
 - vs. substantive rights approach, 228
 - transformative nature of, 238
 - in UN agencies, 221–222, 242

- HRBA (Human Rights Based Approach), barriers to negotiation blocks/alignment, 375–379
- political will, 371–375
- unresolved dilemmas/regime uncertainties, 379–381
- HRBA (Human Rights Based Approach), institutional framework
 - guidelines for, 353
 - HRE in, 341–343
 - lead agency, role of, 338–343
 - monitoring institution/enforcement committee, 350
 - project review panel, 346–350
 - public complaints branch, 352–353
 - reformed compliance committee, 350–352
 - reformed supervisory boards, 343–346
 - requirements/structures for, 60–61, 337–386
- HRBA (Human Rights Based Approach), legal framework
 - development of, 59–60
 - EIA, need for, 313
 - HRIA threshold, 322–327
 - information disclosure system, 327–330
 - minimum threshold, 311–313, 335–336
 - PDD in, 313–314
 - pre-project eligibility screen, 313–314
 - project approval threshold, 311–313
 - review mechanisms, 333–335
 - stakeholder review, 330–333
 - sustainable development screen, 314–318
- HRBA (Human Rights Based Approach), participation/participation rights. *See also* FPIC (Free Prior Informed Consent)
 - complaint procedure/access to justice, 130–138
 - dangers to expansive approach, 128–129
 - defined, 120–121
 - deliberative democracy in, 256–257
 - elements of, 256
 - in environmental treaties, 124–130
 - guidelines for, 362–365
 - interactivity/inclusion, 333
 - in international law, 120–124
 - procedural rights and, 221
- HRCU (human rights and climate change unit), 338–343
- HRE (Human Rights Education), 234–235, 307–308, 341–343
- HRIA (Human Rights Impact Assessment), 344–345, 391–395
- human rights
 - climate change linkage, 198–209
 - equality of, xiv
 - vs. human needs, 177
 - as key concept, 25–28
- Human Rights Based Approach (HRBA). *See* HRBA (Human Rights Based Approach)
- human rights concerns (CDM examples)
 - Aguan Biogas project, 11–12, 76–77
 - Barro Blanco Hydroelectric Power Plant, 82–86
 - culture of approvals, 138
 - Kwale-Okapi project, 77–82
 - loopholes, 138–139
 - in REDD+ projects, 86–89
 - types of, 75
 - way forward, 139
- human rights conflicts
 - due process in, 194–195
 - manifestations of, 191–192
 - rule-utilitarian approach in, 193–194
 - specification, use of, 192–193
 - utilitarian approach in, 193
- human rights consequences, of carbon projects
 - consultative/participatory rights loss, 111
 - culture/tradition loss, 95–97
 - discriminatory practices, 107–110
 - displacement of people, 90–95
 - health concerns, 104–106
 - loss of life, 102–104

- right to development and, 90
- subsistence rights loss, 98–102
- Human Rights Education (HRE). *See* HRE (Human Rights Education)
- Human Rights Impact Assessment (HRIA), 344–345, 391–395
- human rights mainstreaming
 - background/origins of, 144–151
 - concept of, 57–58, 143–144
 - full belly thesis, 172–176
 - integrated/holistic approach to, 154–155
 - in international law, 144
 - legal scholar/commentator attention to, 148–151
 - legal/theoretical basis for, 156
 - legal transplant theory/inter-doctrinal legal transplants, 163–384
 - models of, 144–145
 - PDT in, 167–172
 - as process-based strategy, 145
 - purpose of, 195–196
 - systemic integration principle, 156–163
 - tenets of, 151–156
 - by UN agencies, 145–148, 150
 - UNDG-HRM priorities, 147–148
- human rights mainstreaming, approaches to. *See* HRBA (Human Rights Based Approach); procedural rights approach; substantive human rights approach
- human rights mainstreaming, barriers to
 - negotiation blocks/alignment, 375–379
 - political will, 61, 371–375
 - unresolved dilemmas/regime uncertainties, 379–381
- human rights mainstreaming, critiques of
 - ambiguities and, 176–177
 - neoliberalism and, 184–191
 - outsider interpretation, 230–235
 - proliferation debates, 177–182
 - redundancy debates, 182–184
- human rights mainstreaming, implementation of
 - internal control/due diligence guidance, 365–367
 - modalities and rules for project approval, 361–362
 - participation guidelines, 362–365
 - standards and language in, 358–361
 - theory vs. practice in, 357, 370
 - three-step approach to, 357–358
- Hunt, M., 152–153
- hydroelectric power projects. *See* Barro Blanco Hydroelectric Power Plant
- ICC (Inuit Circumpolar Conference), 208
- ICCPR (International Covenant on Civil and Political Rights)
 - on access to justice, 134
 - on ATI, 113–114
 - complaint mechanisms, 135
 - cultural rights under, 95–96
 - FPIC consent and, 257–258
 - on human rights mainstreaming, 149–150, 153
 - on non-discrimination, 108
 - on participatory rights, 121
 - parties to, 372
 - on right to life, 102–103
 - on right to property, 91–93
- ICERD (International Convention on the Elimination of All Forms of Racial Discrimination), 91–92
- ICESCR (International Covenant on Economic, Social and Cultural Rights)
 - complaint mechanisms, 96, 135
 - FPIC consent and, 257–258
 - on health concerns, 105
 - on hierarchy of rights, 27
 - on non-discrimination, 108
 - parties to, 372
 - on right of food, 98–99
 - on right to property, 91–92
 - on right to work, 100–101
- ICJ (International Court of Justice)
 - on access to justice, 134
 - Gabcikovo Nagymoros Case*, 202

- ICJ (cont.)
 - legal instruments under
 - international law, 27
 - Oil Platform* case, 158–161
 - on sustainable development, 47
- IFC (International Finance Corporation), 263–264
- ILC (International Law Commission), 159–160
- Ilmari Lansman et al v. Finland*, 123–124
- ILO (International Labour Organization), 95–96, 122, 259–260
- implementation, of human rights
 - mainstreaming
 - internal control/due diligence guidance, 365–367
 - modalities and rules for project approval, 361–362
 - participation guidelines, 362–365
 - standards and language in, 358–361
 - theory vs. practice in, 357, 370
 - three-step approach to, 357–358
- inclusivity. *See* equality/non-discrimination; participation/participation rights
- indigenous peoples. *See also* UNDG (United Nations Development Group)
 - Convention on Indigenous and Tribal Peoples, 95–96, 259–260, 262–263
 - culture/tradition loss, 95–97
 - Ngöbe people, 82–83, 84
 - REDD+ project concerns for, 87
 - traditional lands ties, 96–97
- indirect approach, environmental protection through, 201–210
- influence, in decision-making process, 271–272
- information, right to. *See* ATI (Access to Information)
- information disclosure system, 327–330. *See also* project approval framework (in HRBA)
- informed consent (Free Prior Informed Consent)
 - agreement and, 270–271
 - broad-based participation, 265–267
 - concept of, 257–264
 - definitions/meanings, 258–259
 - fairness and inclusivity, 268–269
 - IFC Performance Standards, 263–264
 - ILO's introduction of, 259–260
 - implementation of, 265
 - for indigenous peoples, 261–262
 - influence in, 271–272
 - rational processes in, 269–270
 - Ruggie Guiding Principles, 262–263
 - in stakeholder review, 331–332
 - in UNDRIP, 260–261
- institutional framework (in HRBA)
 - guidelines for, 353
 - HRE in, 341–343
 - lead agency, role of, 338–343
 - monitoring institution/enforcement committee, 350
 - project review panel, 346–350
 - public complaints branch, 352–353
 - reformed compliance committee, 350–352
 - reformed supervisory boards, 343–346
 - requirements/structures for, 60–61, 337–386
- interactivity. *See* participation/participation rights
- Inter-American Convention on Human Rights, 212
- Inter-American Court of Human Rights, 93–94, 106, 114
- Inter-American Human Rights Commission
 - on CER use, 94
 - complaint mechanisms, 135
 - decisions by, 96–97
 - ICC petition, 208
 - Mossville Environmental Action Now v. United States*, 203–204
 - on right to life, 103
 - on right to work, 100–101
 - Yanomami Indians v. Brazil*, 101, 103, 204
- inter-doctrinal legal transplants, 163–384

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

INDEX

409

- interest-based approach, 302–303. *See also* justice, access to
- Intergovernmental Panel on Climate Change (IPCC), 5
- intermediate approach, 302–303. *See also* justice, access to
- internal control, 365–367. *See also* modalities and rules for project approval
- International Bank for Reconstruction and Development, 289
- international climate change regime
 - concept of, 56
 - loopholes in, 57
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 91–92
- International Court of Justice (ICJ). *See* ICJ (International Court of Justice)
- International Covenant on Civil and Political Rights (ICCPR)
 - on access to justice, 134
 - on ATI, 113–114
 - complaint mechanisms, 135
 - cultural rights under, 95–96
 - FPIC consent and, 257–258
 - on human rights mainstreaming, 149–150, 153
 - on non-discrimination, 108
 - on participatory rights, 121
 - parties to, 372
 - on right to life, 102–103
 - on right to property, 91–93
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - complaint mechanisms, 96, 135
 - FPIC consent and, 257–258
 - on health concerns, 105
 - on hierarchy of rights, 27
 - on non-discrimination, 108
 - parties to, 372
 - on right of food, 98–99
 - on right to property, 91–92
 - on right to work, 100–101
- International Finance Corporation (IFC), 263–264
- International Labour Organization (ILO), 95–96, 122, 259–260
- international law
 - fragmentation of, 154, 159–161
 - human rights mainstreaming in, 144
 - legal instruments under, 27
 - participation/participation rights in, 120–124
 - right to development in, 89, 90
 - role of soft law, 52–57
 - sustainable development in, 48–52
- International Law Commission (ILC), 159–160
- Inuit Circumpolar Conference (ICC), 208
- investment arbitration, 305. *See also* justice, access to
- IPCC (Intergovernmental Panel on Climate Change), 5
- Iran, 158–161
- ISCC (International Sustainability and Carbon Certification), 365–368
- IUCN (International Union for Conservation of Nature), 21
- Jagwanth, S., 113
- JI (Joint Implementation), 7, 32–33
- Jochnick, C., 229
- Jones, P., 193
- justice, access to
 - appropriate forum access, 303–307
 - effective administration of, 308–309
 - elements of, 297–298
 - exhaustion rule, 298–299
 - legal awareness and, 307–308
 - legal framework for, 298–303
 - project review/complaints procedure, 130–138
- Kahn, I., 187
- Kamenka, E., 26
- Kayapó territory, 98
- key concept definitions
 - carbon finance, 30–32
 - carbon finance instruments, 39–67
 - Clean Development Mechanism (CDM), 33–34
 - climate change, 29–30

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

410

INDEX

- key concept definitions (cont.)
 - debt-for-nature swaps (DfNS), 45–46
 - Emissions Trading (ET), 32–33
 - environment, 28–29
 - hierarchy of rights, 28
 - human rights, 25–28
 - international climate change regime and, 56
 - Joint Implementation (JI), 32–33
 - Kyoto Flexibility Mechanisms, 32–36
 - legal instruments under
 - international law, 27
 - REDD/REDD+ projects, 36–39
 - soft law, 52–57
 - sustainable development, 46–52
- Kiev Protocol on Pollutant Release and Transfer Registers (PRTR Protocol). *See* PRTR Protocol (Kiev Protocol on Pollutant Release and Transfer Registers)
- Kill, T., 161
- Kimberley Process Certification Scheme (KPSC), 367–369
- Klein, N., 187
- Koskenniemi, M., 176, 232
- Kwale Oil-Gas Processing Plant (OGPP), 77–82, 106, 130
- Kyoto Compliance Committee, 130–133
- Kyoto Protocol
 - annexes to, 360
 - CDM projects and, 64
 - coordination with lead agency, 340
 - flexibility mechanisms, 32–36
 - human rights language and, 358–359, 388–389
 - human rights mainstreaming and, 181
 - human rights treaties and, 160
 - Inuit rejection of, 208
 - market mechanism use, 189–190
 - objectives of, 315
 - recognition of, 6
 - UK/Nigeria investment example, 64–65
 - landfills, environmental racism and, 276
 - land grab concerns
 - compensation/settlement options, 89
 - of REDD+ projects, 87
 - language, in human rights
 - mainstreaming, 358–361, 388
 - Law of Nations, 205–206
 - LDC (Least Developed Countries), 392
 - LDCF (Least Developed Country Fund), 40
 - legal awareness, 307–308. *See also* justice, access to
 - legal framework (in HRBA). *See also* institutional framework (in HRBA)
 - development of, 59–60
 - EIA, need for, 313
 - HRIA threshold, 322–327
 - information disclosure system, 327–330
 - minimum threshold, 311–313, 335–336
 - PDD in, 313–314
 - pre-project eligibility screen, 313–314
 - project approval threshold, 311–313
 - review mechanisms, 333–335
 - stakeholder review, 330–333
 - sustainable development screen, 314–318
 - legal instruments under international law, 27
 - legal transplant theory, 163–384
 - litigation, on climate change, 201–210
 - Lopez Estra case*, 204
 - loss of life, 102–104
 - loyalty, duty of, 165–166
 - Macias, R., 171
 - mainstreaming. *See* human rights mainstreaming
 - Malawi African Association case*, 93
 - Marcel Claude Reyes et al v. Chile*, 114–115
 - marginalized groups. *See* equality/non-discrimination

- market-based instruments. *See* neoliberalism
- Marrakech Accord, 361–362
- Matsuo, N., 185
- Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, 93–94, 262
- Mayan Indigenous Communities from the Toledo District, Belize (Case of)*, 96–97, 100–101
- McCrudden, J. C., 148–149, 197, 221, 231, 235
- McNair, A. D., 158
- Meeting of the Parties (MOP), 70, 340
- Millennium Development Goals (MDGs), 147–148
- mitigation vs. adaptation, 3
- modalities and rules for project approval
- certification scheme, 367–369
- COP functions, 361–362
- internal control/due diligence guidance, 365–367
- participation guidelines, 362–365
- monitoring institution, 350. *See also* institutional framework (in HRBA)
- Montague, P., 192–193
- Montreal Protocol on Substances that Deplete the Ozone Layer, 361
- Mossville Environmental Action Now v. United States*, 203–204
- Mtandawire, T., 169
- National Agip Oil Company, 77–78
- negotiation blocks/alignment, 375–379. *See also* barriers, to rights-based reform
- neoliberalism. *See also* human rights mainstreaming, critiques of discrimination/inequities and, 187–188
- on flexibility of costs, 185–186
- as free market ideology, 185
- human rights mainstreaming and, 184–191
- on market-based instruments, 185
- market mechanism use, 188–190
- social justice issues, 186–187
- Netherlands
- greenhouse gas emission reduction plans, xiii
- Kwale-Okapi project, 77–78
- Urgenda Foundation v. Kingdom of Netherlands*, 202
- Netherlands Development Finance Company (FMO), 83–84
- Ngöbe indigenous people
- displacement of, 84
- human rights of, 83, 86
- right to food, 99
- subsistence rights loss, 98
- NGOs (Non Governmental Organizations)
- in decision making processes, 266–267
- in global environmental politics, 374
- project review panels and, 346–350
- Nicaragua, Mayagna (Sumo) Awas Tingni Community v.*, 93–94, 262
- Nigeria
- CDM project eligibility, 77–78
- Cross River community, 95–97, 98
- FOI Act, 119, 246
- gas flaring in, 78, 79, 80–81, 104–105
- Gbemre v. Shell*, 103
- human rights violations, 272
- Kwale-Okapi project, 77–82, 106, 130
- Land Use Act, 92
- Ogoni community, 117
- procedural guarantees, 94
- REDD+ project concerns, 87–88
- UK investment in, 64–65
- vulnerable communities in, 272
- Nigeria, SERAC v.*, 93, 117, 202–203
- Nigerian Contract Monitoring Coalition v. the Power Holding Company of Nigeria (PHCN)*, 246
- Nigerian National Petroleum Corporation, 77–78
- NIMBY (Not-In-My-Backyard) syndrome, 276–391
- noise pollution, 204–205
- North American Agreement on Environmental Cooperation, 125

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

412

INDEX

- Norway, 35, 74
- Not-In-My-Backyard (NIMBY) syndrome, 276–391
- Obiora, L., 166
- obligation to publish, 248–250. *See also* ATI (Access to Information)
- ODA (official development assistance), 71–72
- Ogoni community, 117
- OHCHR (Office of the Commissioner for Human Rights)
- agenda issues, 233
 - in institutional framework, 338–343
 - resources of, 235–236
- Oil Platform* case, 158–161
- Olawuyi, Damilola, xiii–xv
- Olhoff, A., 318
- opportunity, equality of, 273–275. *See also* equality/non-discrimination
- Organization of American States (OAS), 262
- outsiders, in human right mainstreaming, 230–235
- Paellemarts, M., 211–212
- Panama. *See also* Barro Blanco Hydroelectric Power Plant; Ngöbe indigenous people
- CER use in, 94
 - wind turbine projects, 95
- PANTHER principles, 17
- Paraguay, 94, 97
- Paraguay, Sawhoyamaya Indigenous Community v*, 106
- participation/participation rights. *See also* FPIC (Free Prior Informed Consent)
- complaint procedure/access to justice, 130–138
 - dangers to expansive approach, 128–129
 - defined, 120–121
 - deliberative democracy in, 256–257
 - elements of, 256
 - in environmental treaties, 124–130
 - guidelines for, 362–365
 - interactivity/inclusion, 333
 - in international law, 120–124
 - procedural rights and, 221
- Participatory Development Theory (PDT), 167–172
- PDD (Project Design Document)
- accuracy of, 74–75
 - for Barro Blanco project, 7–85
 - contents of, 69–70
 - for Kwale-Okpai project, 79–80
 - monitoring plans in, 72
 - in pre-project analysis, 313–314
 - verification/validation of, 70
- Performance Standards on Social and Environmental Sustainability, 335
- Peru, land grab concerns, 87
- pesticides, health effects of, 105
- Petersmann, E., 186–187, 232–233
- PHCN (Power Holding Company of Nigeria), 246
- Phillip Oil, 77–78
- PIL (Public Interest Litigation), 302
- policy recommendations
- ensure equity/fairness, 391–392
 - focus on indirect effects, 388–389
 - HRIA use, 391–395
 - integration of human rights language, 358–361, 388
 - overview/summary of, 62
 - redefine vulnerability, 389–391
- political will, 371–375. *See also* barriers, to rights-based reform
- Polluter Pays Principle (PPP), 205–206
- Portney, P., 185–186
- Power Holding Company of Nigeria (PHCN, Nigerian Contract Monitoring Coalition v)*, 246
- precautionary principle, 219–220
- procedural rights approach. *See also* HRBA (Human Rights Based Approach); substantive human rights approach
- justifications for, 217–221
 - promising nature of, 237–238
 - vs. substantive rights approach, 221
- project approval framework (in HRBA)
- EIA, need for, 313
 - HRIA threshold, 322–327

- information disclosure system, 327–330
- legal threshold, 311–313, 335–336
- modalities and rules for, 361–362
- PDD in, 313–314
- pre-project eligibility screen, 313–314
- review mechanisms, 333–335
- stakeholder review, 330–333
- sustainable development screen, 314–318
- Project Design Document (PDD). *See* PDD (Project Design Document)
- project review, for carbon projects, 130–138, 333–335, 346–350. *See also* ERT (Expert Review Team); institutional framework (in HRBA); project approval framework (in HRBA)
- proliferation debates, 177–182. *See also* human rights mainstreaming, critiques of
- property, right to, 90–95
- protective norm interpretation, 301–302. *See also* justice, access to
- Prototype Carbon Fund, 41
- PRTR Protocol (Kiev Protocol on Pollutant Release and Transfer Registers), 243–244, 247, 250, 251, 252
- Public Complaints Branch (PCB), 352–353. *See also* institutional framework (in HRBA)
- public disclosure programmes, 327–330. *See also* project approval framework (in HRBA)
- public education/awareness, 253–255. *See also* ATI (Access to Information)
- Public Interest Litigation (PIL), 302
- The Public's Right to Know: Principles on Freedom of Expression Legislation (Article 19 Group), 242–243
- R2P (Responsibility to Protect) framework, 339, 340
- racism, environmental, 107–276
- Rajamani, L., 218
- REDD (Reducing Emissions from Deforestation and Forest Degradation)
 - as key concept, 36–39
 - Programme Guidelines, 258–259
- REDD+ (REDD together with sustainable forest management and enhancement of carbon stocks)
 - compensation/settlement options, 89
 - HRIA use in, 323
 - human rights issues in, 57
 - as international mechanism, 86–87
 - as key concept, 36–39
 - land grab concerns, 87, 95
 - project locations, 66
- redundancy debates, 182–184. *See also* human rights mainstreaming, critiques of
- Rees, W., 187
- reformed compliance committee, 350–352. *See also* institutional framework (in HRBA)
- reformed supervisory boards, 343–346. *See also* institutional framework (in HRBA)
- regime uncertainties, 379–381. *See also* barriers, to rights-based reform
- registration, of carbon projects, 71–72
- research needs, 395–396
- resource/cost implications, of HRBA, 235–236
- Responsibility to Protect (R2P) framework, 339, 340
- review mechanisms, for carbon projects, 130–138, 333–335. *See also* ERT (Expert Review Team); institutional framework (in HRBA); project approval framework (in HRBA)
- 'right to be cold', 210–213, 214, 215–216, 218
- right to development (RTD)
 - carbon projects and, 90
 - environmental protections and, 202–203
 - as human right, 99

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

414

INDEX

- right to development (RTD) (cont.)
 - under international law, 89, 90
 - role of participation in, 121
- right to environment
 - direct recognition of, 210–213
 - indirect approach to, 201–210
- right to information. *See* ATI (Access to Information)
- right to property, 90–95
- right to work, 100–101
- Río Cónдор project (Chile), 114–115
- Rio Declaration on Environment and Development, 199, 220, 351–352
- Rio Earth Summit (1992), 124
- Robinson, Mary, 226–227
- Rock, E., 165–166
- Royal Dutch Shell, 77–78
- Ruggie Guiding Principles on Business and Human Rights, 52, 103, 233, 262–263, 304–305, 322
- Rules of Procedure, 347–348, 361–362. *See also* institutional framework (in HRBA)
- rule-utilitarian approach, in human rights conflicts, 193
- Saramaka People v. Suriname*, 97, 262
- Sawhoyamaya Indigenous Community v. Paraguay*, 106
- SCCF (Special Climate Change Fund), 40
- Schutznormtheorie* (German legal norm), 301. *See also* justice, access to
- scientists, as interpreters of human rights, 230–231
- self-determination, right to, 168
- SERAC v. Nigeria*, 93, 117, 202–203
- Seroa da Motta R., 316
- SGS United Kingdom (DOE), 74, 75
- Shell, Gbemre v.*, 103
- Shell Canada, 87–88
- Shelton, D., 174, 211–212
- Shestack, J., 188
- shock doctrine, 187
- Silayan, A., 187–188
- Simma, B., 161, 305–306, 323
- social criteria. *See* sustainable development (SD) screen
- soft law, concept of, 52–57
- Sokona, Y., 188
- Sosa v. Alvarez-Machain*, 205–206
- Special Rapporteur of the American Commission, 114–115
- specification, idea of, 192–193
- stakeholder review, 330–333. *See also* project approval framework (in HRBA)
- standards/language, in human rights mainstreaming, 358–361
- Steiner, H., 191
- Sterk, W., 374
- Stockholm Declaration on Human Environment, 29, 103–104, 198, 205–206
- subsistence rights loss, 98–102
- substantive human rights approach. *See also* HRBA (Human Rights Based Approach); procedural rights approach
 - direct recognition, 210–213
 - vs. HRBA, 228
 - vs. procedural rights approach, 221
 - reinterpretation of existing rights, 201–210
 - scholars' support for, 200–201
- supervisory boards, 343–346. *See also* institutional framework (in HRBA)
- Suriname, Saramaka People v.*, 97, 262
- sustainability, linkage to equity, xiii
- sustainable development (SD) screen. *See also* project approval framework (in HRBA)
 - dimensions of, 321
 - economic criteria, 318
 - environmental criteria, 319–322
 - requirement for, 314–318
 - social criteria, 318–319
- sustainable development, concept of, 46–52
- Sutter, C., 316
- systemic integration principle
 - main crux of, 157
 - in *Oil Platform case*, 158–161
 - as treaty interpretation principle, 161–162
- Vienna Convention on, 156–157, 162–163

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

INDEX

415

- Tallant, J., 233
 Tasioulas, J., 177
Texaco, Aguinda v., 205–206
 Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement, 324
 traditional lifestyle, loss of, 95–97
 Turner, S., 211–212
 Tuvalu, 376–377, 379
- UDHR (Universal Declaration on Human Rights)
 on access to justice, 134
 on ATI, 113–114
 on discrimination, 109–110
 on health concerns, 105
 human rights mainstreaming and, 153
 on legal awareness, 307
 on right to food, 98–99
 on right to life, 102–103
 on right to property, 91–92
 on right to work, 100–101
- Umbrella Carbon Facility T1, 41
- UN (United Nations)
 accountability in agencies of, 281–282
 on addressing climate change, 21–22
 climate change resolutions/declarations, 206–207
 on discrimination, 108–110
 human rights mainstreaming support, 145–148, 150
 legal status/soft law, 52–57
 on project-based emission reduction, 6–7
 on right to food, 99
 women in project planning, 107–108
- UN Commentary on the Norms and Responsibilities of Transnational Corporations and other Businesses with Regard to Human Rights, 276–391
- UN Declaration on the Right to Development, 48, 89, 99, 121
- UNDG (United Nations Development Group), 147–148, 199–200
- UNDG Human Rights Mainstreaming Programme (UNDG-HRM), 54–56, 147–148, 199–200
- UNDP (United Nations Development Program), 308–309, 340
- UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples)
 adoption of, 96
 on FPIC, 260–261
 modalities of participation, 121–122
- UNECE (United Nations Economic Commission for Europe), 116
- UNEP (United Nations Environmental Programme), 174, 199–200, 233, 340
- UNESCO (United Nations Educational, Scientific and Cultural Organization), 99, 146–147
- UNFCCC (United Nations Framework Convention on Climate Change)
 on access to justice, 353
 accountability of, 101–102
 annexes to, 360
 in Cancun Decision, 110
 CDM Policy Dialogue, 19
 as climate funds' interface, 41
 coordination with lead agency, 340
 country divisions/groupings by, 33
 epistemic concerns, 233
 Green Climate Fund, 40
 on grievance mechanisms, 133
 HRBA adoption, 199–200
 human rights language and, 358–359, 388–389
 human rights mainstreaming and, 181
 'managerialism' critique of, 375–376
 modalities and rules for project approval, 361–362
 NGOs' role in, 374
 on participatory rights, 126–127
 precautionary principle in, 219–220
 resources of, 235–236
 on social criteria for development, 319
 on sustainable development, 47–48
 trust funds of, 40–41

Cambridge University Press

978-1-107-10551-5 - The Human Rights - Based Approach to Carbon Finance

Damilola S. Olawuyi

Index

[More information](#)

416

INDEX

- UNHRC (United Nations Human Rights Council), 17–18, 122–123, 338–343
- UN Human Rights Commissioner, 15–16
- UN Human Rights Committee, 103
- United Kingdom (UK)
 - Aguan Biogas project, 11–12, 76–77
 - emission reduction commitments, 64–65
 - investment in Nigerian projects by, 64–65
 - SGS United Kingdom suspension, 35, 74, 75
 - Supreme Court mandate, xiii
- United Kingdom, Hatton v.*, 204–205
- United Nations (UN). *See* UN (United Nations)
- United Nations Declaration on Human Rights Education and Training, 234–235, 341–343
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
 - adoption of, 96
 - on FPIC, 260–261
 - modalities of participation, 121–122
- United Nations Development Group (UNDG), 147–148, 199–200
- United Nations Development Program (UNDP), 308–309, 340
- United Nations Economic Commission for Europe (UNECE), 116
- United Nations Educational, Scientific and Cultural Organization (UNESCO), 99, 146–147
- United Nations Environmental Programme (UNEP), 174, 199–200, 233, 340
- United Nations Framework Convention on Climate Change (UNFCCC). *See* UNFCCC (United Nations Framework Convention on Climate Change)
- United Nations Human Rights Council (UNHRC), 17–18, 122–123, 338–343
- United States, Mossville Environmental Action Now v.*, 203–204
- United States, *Oil Platform* case, 158–161
- United States Aliens Torts Act (ATCA), 205–206
- Universal Declaration on Human Rights (UDHR). *See* UDHR (Universal Declaration on Human Rights)
- US Safe Drinking Water Act, 249
- US Supreme Court, in *Sosa v. Alvarez-Machain*, 205–206
- utilitarian approach, in human rights conflicts, 193
- Venezuela, 212
- verification/validation process, of CDM projects, 70–71
- Vienna Convention on the Law of Treaties, 156–157, 158–161, 162–163
- vulnerable groups
 - data segregation and, 391
 - discriminatory practices against, 107–110
 - redefinition of, 389–391
- Watcher, M., 165–166
- water, drinking, 249
- Watt-Cloutier, S., 214
- WBIP (World Bank Inspection Panel)
 - accountability example, 288–289
 - monitoring procedure, 289–291
 - outcomes of, 294–296
 - processes of, 292–294
 - structural conditions of, 291–292
- Weiner, J., 185–186, 188–189
- Weiss, D., 214–215
- Wellman, C., 178–179
- wind turbine projects, health effects of, 105
- Wirag, A., 177
- women. *See also* CEDAW (Convention on the Elimination of All Forms of Discrimination against Women)

INDEX 417

discriminatory practices against, 107–110	World Bank Inspection Panel (WBIP). See WBIP (World Bank Inspection Panel)
in project planning, 107–108	World Health Organization (WHO), 54
work, right to, 100–101	World Wildlife Federation (WWF), 35, 74, 320
World Bank. <i>See also</i> WBIP (World Bank Inspection Panel)	<i>Yakye Axa Indigenous Community v. Paraguay</i> , 94, 97
Aguan Biogas project and, 11–12, 76–77	<i>Yanomami Indians v. Brazil</i> , 101, 103, 204
CFU, 41	
on grievance mechanisms, 335	
human rights mainstreaming support, 146–147	