

## Principles of International Environmental Law

This new and fully updated edition of *Principles of International Environmental Law* offers a comprehensive and critical account of one of the fastest growing areas of international law: the principles and rules relating to environmental protection.

Introducing the reader to the key foundational principles, governance structures and regulatory techniques, *Principles of International Environmental Law* explores each of the major areas of international environmental regulation through substantive chapters, including climate change, atmospheric protection, oceans and freshwater, biodiversity, chemicals and waste regulation. The ever-increasing overlap with other areas of international law is also explored through examination of the interlinkages between international environmental law and other areas of international regulation, such as trade, human rights, humanitarian law and investment law.

Incorporating the latest developments in treaty and case law for key areas of environmental regulation, this text is an essential reference and textbook for advanced undergraduate and postgraduate students, academics and practitioners of international environmental law.

**Philippe Sands** is Professor of Law and Director of the Centre on International Courts and Tribunals in the UCL Faculty of Laws. He is also a practising barrister, with extensive experience litigating cases before the International Court of Justice, the International Tribunal for the Law of the Sea, the International Centre for the Settlement of Investment Disputes and the European Court of Justice.

**Jacqueline Peel** is a professor and Associate Director of the Centre for Resources, Energy and Environmental Law at the University of Melbourne Law School, with a background in environmental science and law. She has taught many courses on environmental law, international environmental law and climate change law, and has published widely in the field.

# Principles of International Environmental Law

FOURTH EDITION

**Philippe Sands**

University College London

**Jacqueline Peel**

University of Melbourne

With

**Adriana Fabra**

Universitat de Barcelona

**Ruth MacKenzie**

University of Westminster



**CAMBRIDGE**  
UNIVERSITY PRESS



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India  
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781108431125](http://www.cambridge.org/9781108431125)

DOI: 10.1017/9781108355728

© Philippe Sands, Jacqueline Peel, Adriana Fabra and Ruth MacKenzie 2018

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press & Assessment.

First published by Manchester University Press 1995

Second edition published by Cambridge University Press & Assessment 2003

Third edition Cambridge University Press & Assessment 2012

Fourth edition Cambridge University Press & Assessment 2018

*A catalogue record for this publication is available from the British Library*

*Library of Congress Cataloging-in-Publication data*

Names: Sands, Philippe, 1960- author. | Peel, Jacqueline, 1974- author. | Fabra Aguilar, Adriana, 1966- author. | MacKenzie, Ruth, 1964- author.

Title: Principles of international environmental law / Philippe Sands, University College, London; Jacqueline Peel, University of Melbourne; Adriana Fabra, Universitat de Barcelona; Ruth MacKenzie, University of Westminster.

Description: Fourth edition. | Cambridge ; New York : Cambridge University Press, [2018] | Includes bibliographical references and index.

Identifiers: LCCN 2017027458 | ISBN 9781108420952 (hardback : alk. paper) | ISBN 9781108431125 (paperback)

Subjects: LCSH: Environmental law, International.

Classification: LCC K3585 .S265 2018 | DDC 344.04/6–dc23 LC record available at <https://lcn.loc.gov/2017027458>

ISBN 978-1-108-42095-2 Hardback

ISBN 978-1-108-43112-5 Paperback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

## Contents

*Foreword* xxi  
*Preface and Acknowledgements to the Fourth Edition* xxv  
*Preface and Acknowledgements to the Third Edition* xxvii  
*Preface and Acknowledgements to the Second Edition* xxix  
*Preface and Acknowledgements to the First Edition* xxxi  
*Table of Cases* xxxv  
*Table of Treaties and Other International Instruments* xxxix  
*List of Abbreviations* lxv

### PART I THE LEGAL AND INSTITUTIONAL FRAMEWORK

**1 The Environment and International Society: Issues, Concepts and Definitions** 3  
 Chapter Outline 3  
 Introduction: The Environmental Challenge 3  
 The Basis for Decision-Making: Science, Economics and Other Values 6  
   Science 6  
   Economics 8  
   Other Social Objectives 9  
   Sustainable Development 9  
 The International Legal Order 10  
   The Functions of International Law 11  
   Sovereignty and Territory 12  
   International Actors 13  
 The Environment and International Law: Defining Terms 14  
 Challenges for International Environmental Law 16  
 Further Reading 17  
 International Environmental Law: Texts, Articles and History 17  
 Sources of International Environmental Law 19  
   Primary Materials 19  
 International Environmental Jurisprudence 20  
 Secondary Materials – Journals 20  
 Websites 20

## 2 History 21

Chapter Outline 21

Introduction 21

From Early Fisheries Conventions to the Creation of the United Nations 22

From the Creation of the United Nations to Stockholm: 1945–72 26

UNCCUR 26

Development of International Environmental Rules 27

The 1972 United Nations Conference on the Human Environment 29

Stockholm Follow-up 32

From Stockholm to Rio: 1972–92 33

Post-Stockholm: Treaties and Other International Acts 33

1978 UNEP Draft Principles 35

1981 Montevideo Programme 36

1982 World Charter for Nature 37

1980 World Conservation Strategy/1991 'Caring for the Earth' Strategy 38

The Brundtland Report and the Report of the Legal Experts Group 38

Lead-up to UNCED 39

UNCED 40

The Rio Declaration 41

Agenda 21 43

UNCED Follow-up 45

Beyond UNCED: Trends and Directions 46

World Summit on Sustainable Development 48

Rio+20 Summit 48

Post Rio+20 Follow-up: Institutional Reform and the Sustainable Development Goals 49

Conclusions 50

Further Reading 51

## 3 Governance: States, International Organisations and Non-State Actors 52

Chapter Outline 52

Introduction 52

States 53

International Organisations 55

History of International Organisational Arrangements 55

UNCED, WSSD and the Rio+20 Summit 56

The Function and Role of International Organisations 57

Global Organisations 59

United Nations ([www.un.org](http://www.un.org)) 59

Coordination 60

UN General Assembly 61

UN Environment Programme ([www.unep.org](http://www.unep.org)) 63

UN Development Programme ([www.undp.org](http://www.undp.org)) 65

International Law Commission ([www.un.org/law/ilc](http://www.un.org/law/ilc)) 66

High-Level Political Forum on Sustainable Development ([sustainabledevelopment.un.org/hlpf](http://sustainabledevelopment.un.org/hlpf)) 67

Other Subsidiary Bodies Established by the General Assembly 68

Economic and Social Council (ECOSOC) 69

Security Council 71

Trusteeship Council 72

International Court of Justice ([www.icj-cij.org](http://www.icj-cij.org)) 72

United Nations Specialised Agencies and Related Organisations 73

Food and Agriculture Organization ([www.fao.org](http://www.fao.org)) 73

**vii Contents**

United Nations Educational, Scientific and Cultural Organization ( <a href="http://www.unesco.org">www.unesco.org</a> )	74
International Maritime Organization ( <a href="http://www.imo.org">www.imo.org</a> )	75
International Labour Organization ( <a href="http://www.ilo.org">www.ilo.org</a> )	76
World Meteorological Organization ( <a href="http://www.wmo.int">www.wmo.int</a> )	76
International Civil Aviation Organization ( <a href="http://www.icao.int">www.icao.int</a> )	77
UN Industrial Development Organization ( <a href="http://www.unido.org">www.unido.org</a> )	77
World Health Organization ( <a href="http://www.who.int">www.who.int</a> )	77
International Atomic Energy Agency ( <a href="http://www.iaea.org">www.iaea.org</a> )	78
World Bank, International Monetary Fund, and World Trade Organization	79
Cooperative Arrangements	81
Other Global Institutions	81
Regional and Subregional Organisations	82
Europe and the OECD	82
Africa	86
Americas and the Caribbean	86
Asia Pacific	87
Organisations Established by Environmental Treaties	88
<b>Non-State Actors</b>	89
Scientific Community	90
Environmental, Health and Developmental Organisations	91
Legal Groups	92
Corporate Sector	92
Individuals and Indigenous Communities	94
The Media	95
<b>Conclusions</b>	96
<b>Further Reading</b>	97
<b>4 International Lawmaking and Regulation</b>	<b>101</b>
Chapter Outline	101
Introduction	101
Treaties	104
Environmental Treaties	106
The Treaty-Making Process	106
The 1969 Vienna Convention and Legal Issues Relating to Treaties	107
Interpretation	108
Entry into Force	110
Reservations and Interpretative Declarations	111
Relations between International Agreements	113
Amendment	115
Other International Acts	116
Acts of International Organisations	116
Conference Declarations and Other Acts	118
Customary International Law	119
State Practice	120
Opinio Juris	121
Treaties and Custom	122
Persistent Objector	124
Regional Custom	124
General Principles of International Law	125
Equity	126
Subsidiary Sources	127
Introduction to Regulatory Approaches	128

**viii Contents**

Direct Regulation	129
Environmental Quality Standards	129
Product Standards	130
Emissions Standards	131
Process Standards	131
Economic Instruments	132
Charges and Taxes	134
Tradeable Permit Schemes	135
Deposit-Refund Systems	136
Subsidies	136
Enforcement Incentives	136
Liability and Compensation for Damage	137
Trade Measures	137
Investment Incentives	137
Voluntary Approaches	138
Consumer Information Incentives	138
Integrated Environmental Management	139
Conclusions	141
Further Reading	142
<b>5 Compliance: Implementation, Enforcement, Dispute Settlement</b>	<b>144</b>
Chapter Outline	144
Introduction	144
Implementation	147
National Law	147
National Compliance	148
Reporting	152
International Enforcement	153
Enforcement by States	153
Damage to a State's Own Environment	154
Damage to the Environment of Another State	155
Damage to the Environment in Areas Beyond National Jurisdiction	155
Enforcement by International Organisations	160
Enforcement by Non-State Actors	163
Enforcement in the National Courts	164
International Enforcement	166
International Settlement of Disputes	167
Introduction	167
Diplomatic Means of Dispute Settlement	168
Negotiation and Consultation	168
Mediation, Conciliation, Fact-Finding and International Institutions	170
Non-Compliance Procedures	172
Inspection Procedures of Multilateral Development Banks	176
NAFTA Commission on Environmental Cooperation	177
Legal Means of Dispute Settlement	178
Arbitration	178
International Courts	180
International Court of Justice	180
UNCLOS and ITLOS	184
WTO Dispute Settlement Body	186
European Court of Justice and Court of First Instance	187
Human Rights Courts	189

ix | Contents

Conclusions 190  
 Further Reading 192

## PART II PRINCIPLES AND RULES ESTABLISHING STANDARDS

### 6 General Principles and Rules 197

Chapter Outline 197

Introduction 197

Principles and Rules 199

**Sovereignty Over Natural Resources and the Responsibility Not to Cause Damage to the Environment of Other States or to Areas Beyond National Jurisdiction 201**

Sovereign Rights Over Natural Resources 202

Sovereignty and Extraterritoriality 203

Responsibility Not to Cause Environmental Damage 206

Conclusion 210

**Principle of Preventive Action 211**

Cooperation 213

**Sustainable Development 217**

Introduction 217

Future Generations 221

Sustainable Use of Natural Resources 222

Equitable Use of Natural Resources 225

Integration of Environment and Development 227

Conclusion 229

**Precautionary Principle 229**

**Polluter Pays Principle 240**

OECD 241

European Union 242

**Principle of Common But Differentiated Responsibility 244**

Common Responsibility 245

Differentiated Responsibility 246

Conclusions 248

Further Reading 249

### 7 Atmospheric Protection 252

Chapter Outline 252

Introduction 252

**Milestones in the Development of Atmospheric Regulation 254**

Trail Smelter Case 254

Nuclear Testing 255

Customary Law 257

UN Environmental Summits 258

**Urban and Transboundary Air Pollution 259**

1979 UNECE Convention on Long-Range Transboundary Air Pollution and Its Protocols 261

1979 LRTAP Convention 261

1984 Monitoring and Evaluation Protocol 262

1985 Sulphur Protocol 263

1988 NO<sub>x</sub> Protocol 263

1991 Volatile Organic Compounds Protocol 265

1994 Sulphur Protocol 267

1998 Aarhus Protocol on Heavy Metals 268



**x Contents**

1998 Aarhus Protocol on Persistent Organic Pollutants	269
1999 Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone	270
1991 Canada–US Air Quality Agreement	271
Sulphur Dioxide	272
Nitrogen Oxides	272
Ozone	273
Assessment, Information and Institutions	273
2002 ASEAN Agreement on Transboundary Haze Pollution	274
Aircraft Emissions: ICAO Convention	275
2013 Minamata Mercury Convention	276
<b>Ozone Depletion</b>	<b>277</b>
1985 Vienna Convention	279
The 1987 Montreal Protocol: Adjustments and Amendments	280
Controlled Substances	282
Control Measures: Consumption and Production	282
Control Measures: Trade in Controlled Substances	286
Developing Countries	287
Technical, Financial and Other Assistance	288
Reporting and Compliance	289
Institutional Arrangements	289
<b>Outer Space</b>	<b>290</b>
1967 Outer Space Treaty	291
1979 Moon Treaty	291
Outer Space Principles	292
<b>Conclusions</b>	<b>293</b>
<b>Further Reading</b>	<b>294</b>

**8 Climate Change 295**

Chapter Outline	295
Introduction	295
The Climate Change Problem	297
Development of the Climate Change Regime	299
1992 Climate Change Convention	300
Preamble, Definition, Objective and Principles	301
General Commitments	302
Reporting	303
Specific Commitments: Sources and Sinks	304
Commitments: Financial Resources and Technology Transfer	305
Institutional Arrangements	306
Implementation and Dispute Settlement	307
The 1997 Kyoto Protocol	307
Emission Reduction Targets and Timetable	308
Policies and Measures	309
Flexibility Mechanisms: Emissions Trading, Joint Implementation and the CDM	310
Sinks	313
Developing Countries	315
Reporting and Compliance	315
Negotiations for a New Climate Treaty Agreement	316
<b>Paris Agreement</b>	<b>318</b>
Preamble and Objectives	319
Nationally Determined Contributions	321
Mitigation Commitments	322
Sinks	323

xi | Contents

Voluntary Cooperation and Carbon Markets	324
Adaptation and Loss and Damage	325
Financial Resources, Technology Transfer and Capacity-Building	327
Implementation and Compliance	328
Institutional Arrangements	330
Post-Paris Developments	330
<b>Intersectoral Linkages</b>	<b>331</b>
Emissions from International Aviation	332
Emissions from International Shipping	333
<b>Conclusions</b>	<b>334</b>
<b>Further Reading</b>	<b>335</b>
<b>9 Freshwater Resources</b>	<b>337</b>
Chapter Outline	337
Introduction	337
Customary Law	339
<i>Lac Lanoux</i> Arbitration	341
ILA: 1966 Helsinki Rules	342
ILC 2008: Articles on Transboundary Aquifers	344
Case Concerning the Gabčíkovo–Nagymaros Project	345
The Case Concerning the Pulp Mills on the River Uruguay	351
Indus Waters Kishenganga Arbitration	355
Costa Rica v. Nicaragua Cases	359
Global Rules	360
1997 Watercourses Convention	361
1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes	363
Regional Rules	366
Europe	366
Rhine	367
Americas	370
1909 Boundary Waters Treaty	371
Gut Dam Arbitration	371
1978 Great Lakes Water Quality Agreement	372
Africa	374
Niger Basin	374
Southern Africa, Including the Zambezi River	375
Asia	377
Mekong River Basin	377
Subcontinental Asia	378
Middle East	379
Israel–Jordan Peace Treaty	380
Jordan–Saudi Arabia Al-Sag/Al-Disi Aquifer Agreement	380
Conclusions	381
Further Reading	382
<b>10 Biological Diversity</b>	<b>384</b>
Chapter Outline	384
Introduction	384
Convention on Biological Diversity and Its Protocols	388
1992 Convention on Biological Diversity	388
Objectives	389
Preamble and Jurisdictional Scope	389

**xii Contents**

Conservation and Sustainable Use	390
Access to Genetic Resources and Benefit Sharing	394
Biotechnology and Living Modified Organisms	396
Financial Resources	397
Institutions and Other Mechanisms	397
2000 Cartagena Protocol on Biosafety	397
2010 Nagoya Protocol	403
Evolution of the Biodiversity Convention	404
<b>Other Global Biodiversity-Related Conventions</b>	<b>409</b>
Convention on International Trade in Endangered Species	409
CITES Institutions	410
Preamble and Definitions	410
Appendices I-III and International Trade	411
Introduction from the Sea Under CITES	412
Amendments to Appendices	413
Reservations	414
Exemptions and Special Provisions	415
Compliance and Enforcement	416
1979 Bonn Convention on Migratory Species	417
Ramsar Convention	420
1972 World Heritage Convention	422
International Treaty on Plant Genetic Resources for Food and Agriculture	424
International Plant Protection Convention	427
<b>Other Instruments Addressing Specific Ecosystems or Species</b>	<b>427</b>
Forests	428
International Tropical Timber Agreement 2006	428
UN Forum on Forests	429
2007 UN Forest Instrument	430
Land and Soil Degradation, and Desertification	431
1994 Convention to Combat Desertification	433
Birds	434
1950 Birds Convention	435
1970 Benelux Convention	435
Other Animal Species	435
1973 Polar Bear Agreement	435
1979 Vicuna Convention	436
<b>General Instruments of Regional and Subregional Application</b>	<b>436</b>
Africa	437
1968 African Nature Convention	438
2003 Revised African Nature Convention	439
1994 Lusaka Agreement	440
The Americas and the Caribbean	441
1940 Western Hemisphere Convention	441
1978 Treaty for Amazonian Cooperation	442
Pacific Islands Region	443
Europe	444
1979 Berne Convention	444
1982 Benelux Convention	446
1991 Alpine Convention	446
2003 Carpathians Convention	447
Asia	447
Conclusions	449
Further Reading	451

<b>11 Oceans, Seas and Marine Living Resources</b>	<b>455</b>
Chapter Outline	455
Introduction	455
<b>Protection of the Marine Environment</b>	<b>459</b>
Introduction	459
Development of International Law Rules	460
Global Rules: UNCLOS	462
Regional Arrangements	464
UNEP Regional Seas Programme	465
North-East Atlantic: 1992 OSPAR Convention	472
Baltic Sea: the 1992 Helsinki Convention	474
Pollution from Land-Based Sources	476
Pollution by Dumping	479
1972 London Convention and 1996 Protocol	480
Regional Agreements	483
Pollution from Vessels	486
UNCLOS Rules	487
MARPOL 73/78	488
Polar Code	493
Other Agreements on Pollution from Ships	494
Safety Agreements	495
Pollution from Seabed Activities	496
UNCLOS and the International Seabed Authority	497
Regional Agreements	499
Environmental Emergencies	500
1969 Intervention Convention and 1973 Intervention Protocol	501
1989 Salvage Convention	502
1990 OPRC Convention and 2000 HNS Protocol	503
Regional Agreements	504
Liability and Compensation	505
<b>Conservation of Marine Living Resources</b>	<b>506</b>
Introduction	506
Development of International Law Rules	509
Pacific Fur Seal Arbitration	509
Food and Agriculture Organization	510
The First UN Conference on the Law of the Sea (1958)	511
Fisheries Jurisdiction Cases	512
1972 Stockholm Conference on the Human Environment	513
UNCLOS	513
Territorial Waters, Archipelagic Waters and the Continental Shelf	514
Exclusive Economic Zone	514
High Seas	516
1995 Fish Stocks Agreement and Other Global Arrangements	516
1995 Fish Stocks Agreement	517
1993 Compliance Agreement	519
1995 Code of Conduct for Responsible Fisheries	520
Regional Fishery Arrangements	520
Fisheries Case Law	526
Estai Case (Canada v. Spain)	527
Southern Bluefin Tuna Cases ( <i>New Zealand v. Japan, Australia v. Japan</i> )	528
Swordfish Case ( <i>Chile v. EU</i> )	529
South China Sea Arbitration ( <i>Philippines v. China</i> )	531

**xiv Contents**

Prompt Release Cases	532
Marine Mammals	533
International Whaling Commission	534
Regional Agreements	538
Marine Birds	540
Destructive Fishing Practices	540
Driftnet Fishing	541
Bottom Trawling	542
Illegal, Unreported and Unregulated (IUU) Fishing	543
2009 Agreement on Port State Measures	545
Voluntary Guidelines for Flag State Performance	546
ITLOS Jurisprudence	546
<b>Conservation of Marine Biodiversity</b>	<b>548</b>
Introduction	548
From Agenda 21 to the Sustainable Development Goals	549
Resolutions of the United Nations General Assembly	550
The International Legal Framework	551
UNCLOS and the 1995 Fish Stocks Agreement	551
Convention on Biological Diversity	552
Regional Arrangements	553
Protection of Deep-Sea Ecosystems	555
Resolutions of the UN General Assembly	556
Food and Agriculture Organization	558
Marine Protected Areas	558
Marine Protected Areas Under National Jurisdiction	560
MPAs in Areas Beyond National Jurisdiction	562
<b>Conclusions</b>	<b>564</b>
<b>Further Reading</b>	<b>566</b>

**12 Hazardous Substances and Activities, and Waste 569**

Chapter Outline	569
Introduction	569
<b>Hazardous Substances</b>	<b>572</b>
Definition of Hazardous Substances	572
Accident Prevention, Preparedness and Response	573
Eu Seveso Directive	575
1992 Industrial Accidents Convention	576
Chemicals, Pesticides and Other Dangerous Substances	578
Registration and Classification (Including Labelling and Packaging)	578
Production and Use	580
International Trade	585
Transport	589
Exposure in the Work Environment	590
<b>Hazardous Activities</b>	<b>593</b>
Nuclear Activities and Radioactive Substances	593
Nuclear Safety	595
Transport	597
Protection of Workers and the Public	598
Border Area Cooperation	599
Emergencies	599
Nuclear Weapons and Testing, and Nuclear-Free Zones	601

**xv Contents**

Other Hazardous Activities	603
Energy	604
Mining	606
Agriculture	608
Transportation	609
Tourism	609
<b>Wastes</b>	<b>609</b>
Defining Wastes	610
Municipal Waste	610
Hazardous and Toxic Wastes (Industrial, Agricultural and Mining Waste and Sewage Sludge)	611
Radioactive Waste	613
Prevention and Treatment	613
Disposal	615
Disposal at Sea	615
Disposal into Rivers and Lakes by Other Land-Based Sources	616
Incineration	616
Landfill and Other Land Disposal and Storage	617
Recycling and Reuse	618
International Movement (Including Trade) In Waste	619
The 1989 Basel Convention	620
1991 Bamako Convention	623
1995 Waigani Convention	624
North America	625
1990 IAEA Code of Conduct on Radioactive Waste and 1997 Joint Convention on Spent Fuel and Radioactive Waste Management	625
<b>Conclusions</b>	<b>627</b>
<b>Further Reading</b>	<b>629</b>
<b>13 The Polar Regions: Antarctica and the Arctic</b>	<b>632</b>
Chapter Outline	632
Introduction	632
The Antarctic	633
The Antarctic Treaty Regime	634
1959 Antarctic Treaty	634
1972 Antarctic Seals Convention	635
1980 CCAMLR	635
1988 CRAMRA	637
1991 Environment Protocol	639
Other Treaty Provisions	644
The Arctic	644
The Arctic Council	645
Arctic Monitoring and Assessment Programme	646
Arctic Contaminants Action Program	647
Protection of the Arctic Marine Environment Working Group	647
Conservation of Arctic Flora and Fauna Working Group	648
Emergency Prevention, Preparedness, and Response Working Group	648
Sustainable Development Working Group	648
Arctic Treaties	649
<b>Conclusions</b>	<b>650</b>
<b>Further Reading</b>	<b>651</b>

## PART III TECHNIQUES FOR IMPLEMENTING INTERNATIONAL PRINCIPLES AND RULES

- 14 Environmental Impact Assessment 657**  
 Chapter Outline 657  
 Introduction 657  
 Non-Binding Instruments 658  
   Developments from Stockholm to Rio 658  
   UN Environmental Summits 660  
   ILC Draft Articles on Prevention of Transboundary Harm 661  
 Treaties and Other Binding Instruments 662  
   1982 UNCLOS 664  
   1986 Noumea Convention 666  
   1991 Espoo Convention 667  
     2003 Strategic Environmental Assessment Protocol 670  
   1991 Antarctic Environment Protocol 671  
   1992 Biodiversity Convention 673  
   Risk Assessment Procedures 673  
 World Bank and Other Multilateral Lending Institutions 675  
 International Cases 676  
 Conclusions 680  
 Further Reading 681
- 15 Environmental Information and Technology Transfer 682**  
 Chapter Outline 682  
 Introduction 682  
 Environmental Information 683  
   Information Exchange 685  
   Reporting and Provision of Information 688  
     Reports by Organisations 689  
     Reports Under Treaties or Other Agreements 689  
     Reports of Events Other than Emergencies 692  
     Information to and from Non-State Organisations 694  
   Consultation 694  
     Prior Informed Consent 697  
   Notification of Emergency Situations 698  
     Nuclear Accidents 699  
   Monitoring and Other Information Gathering 703  
     Treaty Arrangements 704  
   Access to Environmental Information and Public Participation 707  
     1992 OSPAR Convention 708  
     1998 Aarhus Convention 710  
     2003 Protocol on Pollutant Release and Transfer Registers 712  
   Public Education and Awareness 715  
   Eco-Labeling 716  
   Eco-Auditing and Accounting 717  
     Environmental Accounting 717  
     Environmental Auditing 719  
 Technology Transfer and Technical Assistance 720  
   Soft Law Developments 721

**xvii** | **Contents**

Treaty Provisions	722
The Ozone Regime	723
Biodiversity Convention	724
The Climate Change Regime	726
Intellectual Property and Barriers to Technology Transfer	727
Conclusions	730
Further Reading	733
<b>16 Liability for Environmental Damage</b>	<b>735</b>
Chapter Outline	735
Introduction	735
State Liability	737
Introduction	737
General International Law	739
Defining Environmental Damage	741
Threshold at which Environmental Damage Entails Liability	743
Standard of Care	746
Reparation	749
State Practice	752
UN Compensation Commission	755
International Crimes	760
Treaties	762
1972 Space Liability Convention	762
1979 LRTAP Convention	764
1982 UNCLOS	764
1988 CRAMRA and 1991 Antarctic Environmental Protocol	767
1992 Climate Change Convention and 2015 Paris Agreement	768
The Work of the International Law Commission	769
Civil Liability for Environmental Damage Under International Law	771
Nuclear Installations	772
1960 Paris Convention and 1963 Brussels Convention	773
1963 Vienna Convention	775
1988 Joint Protocol	778
1997 Convention on Supplementary Compensation	779
Oil Pollution	779
1992 Civil Liability Convention	780
The 1992 Fund Convention	781
2003 Supplementary Fund Protocol	783
IOPC Fund Practice	784
2001 Bunker Oil Convention	788
Private Compensation Schemes	789
Marine Environment	790
Waste	790
Transport	792
Antarctic	794
1988 CRAMRA	794
1991 Antarctic Environment Protocol	794
Biodiversity	797
General Instruments Relating to Dangerous Goods or Activities	799
1993 Lugano Convention	799
2003 Civil Liability Protocol	801
Conclusions	803
Further Reading	804



## PART IV LINKAGE OF INTERNATIONAL ENVIRONMENTAL LAW AND OTHER AREAS OF INTERNATIONAL LAW

- 17 Human Rights and International Humanitarian Law 811**  
 Chapter Outline 811  
 Introduction 811  
 Human Rights Law 813  
   Development of International Human Rights Law 813  
   Environmental Protection and Human Rights 814  
   Economic, Social and Cultural Rights 817  
   Civil and Political Rights 825  
 International Humanitarian Law 828  
   Military Activities and Environmental Protection 829  
     International Environmental Law During War and Armed Conflict 829  
     International Law of War and Armed Conflict: General Rules of Environmental Protection 832  
     International Law of War and Armed Conflict: Special Rules of Environmental Protection 834  
   Environmental Security and International Law 836  
 Conclusions 837  
 Further Reading 838
- 18 International Economic Law: Trade, Investment and Intellectual Property 841**  
 Chapter Outline 841  
 Introduction 841  
 Trade and Environment 843  
   Trade Measures in International Environmental Agreements 843  
   Unilateral Environmental Measures and International Trade 848  
     WTO/GATT 850  
     WTO Dispute Settlement 854  
   Measures for Health and Safety Protection 871  
     *Beef Hormones* Disputes (1998 and 2008) 873  
     Assessment 881  
   Regional and Bilateral Free Trade Agreements 882  
     European Union 882  
     North American Free Trade Agreement 887  
     African Economic Community 893  
   Competition and Subsidies 894  
     Subsidies 895  
     Anti-Competitive Agreements 898  
     Anti-Dumping 899  
 Foreign Investment 900  
   Investment Treaties 900  
   Substantive Rules 901  
   Dispute Settlement 904  
   Case Law 905  
   Insurance 916  
 Intellectual Property Rights 916  
   Patents and Other Rights 917  
   Traditional Knowledge 922  
 Conclusions 924  
 Further Reading 926

**19 Future Developments 930**

Chapter Outline 930

Introduction 930

Governance Challenges 933

Implementation and Enforcement Challenges 936

Future Regulatory Development 938

Conclusions 940

*Index* 941

## Foreword

It is with pleasure that I write a foreword to this timely exposition and analysis of the system of environmental law as a whole, and as it stands after the Rio Conference. If it seems a little bold to call environmental law a ‘system’, it is assuredly not so bold as it would have been before the publication of Philippe Sands’ important work. A main purpose of academic writing should be to perceive and portray patterns and relations in a body of legal rules so as to make it manageable, teachable, comprehensible and usable. The present work succeeds in doing this to a remarkable degree.

The author’s statement that environmental law has a ‘longer history than some might suggest’ might be thought to border on understatement. When something is taken up as a modish ‘concern’, there is often a strong temptation to think of it as a discovery by a newly enlightened generation. It is, therefore, a useful antidote to be reminded that, of the two pioneering decisions, both still leading and much-cited cases, one was the *Bering Sea* arbitration, of a century ago, and the other, the *Trail Smelter* arbitration, of half a century ago. Nevertheless, the present-day need for law to protect the environment and to preserve resources is of a scale and urgency far beyond the imagining of the early pioneers.

Seeing these questions, however, in a proper historical perspective does help to warn against the dangers of treating environmental law as a specialisation, which can be made a separate study; or, on the other hand, of regarding environmental law – and here I borrow Philippe’s words – as a ‘marginal part of the existing legal order’. A perusal of this book will readily reveal to the reader the fallacy of both of these attitudes. Part I of the book – which is entitled ‘The Legal and Institutional Framework’ – comprises illuminating treatments of such basic subjects of international law as the legal nature of states, international organisations, non-governmental organisations, treaties and other international acts such as resolutions of the General Assembly and other international bodies, EC regulations and directives, the nature and uses of customary law, the general principles of law, and general problems of compliance, implementation and enforcement, and dispute settlement. These pages amply demonstrate that the environmental lawyer has to be equipped with a good basic knowledge of general international law before he can even get properly started on the study of environmental law. Likewise, the general student of international law will, in these pages, find illumination in plenty on these basic questions of general public international law; and indeed also of EC law. He will also find, in the later pages, valuable light upon such difficult questions as ‘sovereignty over natural resources’, the *actio popularis*, ‘standards’ and ‘soft law’; techniques to encourage compliance, such as reporting; the

position in war and armed conflict; general principles of liability and reparation, as well as specifically environmental notions such as the so-called ‘polluter pays’ principle.

It is in Part II of the book that the author broaches the immense task of setting out, and analysing in some detail, the developing substantive law for the protection of the environment and for the conservation of resources, and of biological diversity. Here, again, when it comes to classifying the areas for purposes of exposition, some of the general headings are familiar to every international lawyer: the atmosphere and outer space; oceans and seas; freshwater resources; hazardous substances and activities; waste; the polar regions; and European Community environmental law. It is in itself a valuable lesson to be able thus to see the shape and dimensions of environmental law as a whole. To establish the boundaries of a subject is an important step towards its intellectual comprehension.

It is a trite observation that environmental problems, though they closely affect municipal laws, are essentially international; and that the main structure of control can therefore be no other than that of international law. Yet one result of this study of environmental law as a whole is to show that the environmental factor has already so infiltrated so many of the traditional areas of public international law that it is no longer possible adequately to study many of the main headings of public international law without taking cognisance of the modifying influence in that particular respect of the principles, laws and regulations of environmental law. There are many instances; one that might not be the first possibility that comes to mind is the law concerning foreign investment. Many readers will remember the controversies of the 1960s and 1970s over the efforts to strike some sort of balance between the principle of national sovereignty over a nation’s natural resources, and the competing principles limiting the sovereign rights of expropriation without proper compensation for the foreign investment in those resources. At the present time, this is an area of the law which can no longer be appreciated without adding the considerable factor of the need to protect the environment and therefore the need to limit certain kinds of exploitation, whether foreign or domestic, which cause international waste and harm. The problem of the destruction of tropical rainforests is probably the most dramatic and best known example of a national resource itself becoming an international problem.

Another matter that needs to be thought about is how to make the law of the environment more efficient. The existing principles, laws, case law, regulations, standards, resolutions and so on, already constitute a vast and complicated apparatus of paper and of powers conferred upon certain bodies or persons. When it is considered that the existing law is, however, also seemingly quite inadequate to the problem and that much more may be needed, one is bound to ask questions about how much of the world’s resources, wealth, energy and intellect is to be spent on this task of regulation and control. Pollution resulting from an excess of the complication and sheer number of laws, regulations and officials is by no means the least of the threats to our living environment. This book is an important first step towards rationalisation, for it does, by its very able and effective exposition, enable one to see the dimensions of the problem and to get some sort of conspectus of the existing legal apparatus.

Another matter of concern is the need to keep laws and regulations in this area reasonably flexible and open when necessary to changes of direction. Good laws on the environment are driven, or should be driven, by the lessons to be learned from the natural sciences and from technology. But scientists are not by any means always in agreement. It is reasonable to assume, moreover, that the enormous sums spent upon further scientific and technological research

imply that the scene of scientific ‘fact’ is liable to change importantly and even suddenly; for, if not, it is difficult to see what this expensive endeavour is about. For an example of this kind of effect, it is necessary only to mention how new scientific knowledge of the dangers from dioxins have put into a wholly new perspective erstwhile schemes for conserving non-renewable sources of energy using instead the combustion of mixed wastes. We need, therefore, a law of the environment that can change with the changes in the scientific world; otherwise it will quickly and most damagingly be enforcing outmoded science. But to achieve change in international regulations, without thereby merely adding more layers of regulation, is technically by no means an easy task or even always a possible one.

But the matter goes deeper than these preoccupations, important as they are. Humanity is faced with a multifaceted dilemma. There seems to be an urgent need for more and more complex regulation and official intervention; yet this is, in our present system of international law and relations, extremely difficult to bring about in a timely and efficient manner. The fact of the matter surely is that these difficulties reflect the increasingly evident inadequacy of the traditional view of international relations as composed of pluralistic separate sovereignties, existing in a world where pressures of many kinds, not least of scientific and technological skills, almost daily make those separate so-called sovereignties, in practical terms, less independent and more and more interdependent. What is urgently needed is a more general realisation that, in the conditions of the contemporary global situation, the need to create a true international society must be faced. It needs in fact a new vision of international relations and law. This is a matter that takes us beyond the scope of this book. But those who doubt the need for radical changes in our views of, and uses of, international law should read Philippe Sands’ book and then tell us how else some of these problems can be solved. After all, this is not just a question of ameliorating the problems of our civilisation but of our survival.

Sir Robert Jennings QC

Former Judge and President of the International Court of Justice;  
sometime Whewell Professor of International Law in the University of  
Cambridge; Honorary Bencher of Lincoln’s Inn; former President of the  
Institut de Droit International

## Preface and Acknowledgements to the Fourth Edition

In its fourth edition, *Principles of International Environmental Law* affirms the consolidation of international environmental law as a central part of the international legal order. Major treaty regimes cover virtually all environmental issues, with new treaties now in place for mercury pollution (2013 Minamata Mercury Convention) and climate change (2015 Paris Agreement). Case law on environmental and natural resource issues continues to grow, and there is considerable evidence that practitioners and judges are engaging more fully with questions regarding science and expert evidence in factually complex and technical disputes. In the period since the third edition, linkages between international environmental law and other areas of international law have deepened and broadened. This is also reflected in policy instruments, such as the 2015 United Nations Sustainable Development Goals, which bring together issues of development, poverty eradication and disaster management with environmental protection in an international sustainable development agenda for the period up to 2030. However, as we noted in the third edition preface, extensive legal development in the field has not satisfactorily addressed the most pressing environmental problems. With the exception of the ozone treaty regime – hailed as a success for its role in reversing ozone depletion – international environmental law has not provided a solution in the key areas of climate change, marine pollution and biodiversity loss. More than ever, the subject of international environmental law is approaching a critical point: can it deliver real protections, or will its impact be merely marginal or cosmetic?

Like the previous editions, this edition is intended to provide a comprehensive overview of those rules of public international law that have as their object the protection of the environment. We have sought to state the law as of March 2017. Necessarily, given the vast breadth of the subject and the level of detail now available on some specific topics (climate change, oceans, trade, biodiversity are leading examples here), the book's account of the subject area cannot be exhaustive. In this edition, we have sought to improve the book's coverage of important areas such as climate change (with a new chapter which incorporates the latest developments under the Paris Agreement), oceans and fisheries, and biodiversity. In respect of the latter two topics, the book has again benefited from the serious contributions made by the expert and experienced authors of these revised chapters, Ruth MacKenzie (Chapter 10) and Adriana Fabra (Chapter 11), to whom we extend our deep appreciation. We have also strengthened the critical dimension of our analysis of developments in international environmental law, including the case law, which is integrated with the central themes and challenges for the field identified in Chapters 1 (introduction) and 19 (future developments). Finally, we have streamlined content to make

xxvi | Preface and Acknowledgements to the Fourth Edition

clearer the connections between different topics (e.g. hazardous substances and wastes in Chapter 12, environmental information and technology transfer in Chapter 15, and trade, investment and intellectual property rights treated collectively in Chapter 18 on international economic law and the environment), and introduced ‘chapter outline’ and ‘further reading’ sections in each chapter to provide guidance to readers on the chapter content, as well as areas for further research.

Like the third edition, this edition is co-authored, by Philippe Sands at University College London and Jacqueline Peel of Melbourne University, Australia. There are many people from London, Melbourne and elsewhere who deserve particular thanks for their assistance with the work for this edition.

In London, we express our thanks to Raj Bavishi, Remi Reichhold, Josh Roberts and Christine Wortmann for their superb and timely research assistance, and to Liz Milner and Louise Rands for admirable administrative support. Thanks also to Dean Hazel Genn and the Faculty of Law at University College London for the continued support, including financial support, to cover the costs of research assistance.

At Melbourne, the book – and particularly the new climate change chapter – benefited enormously from the research assistance offered by Katherine Lake. Also deserving of many thanks are students in the Melbourne Law School’s Library Research Service supervised by Robin Gardiner. Our gratitude and recognition go to Chris Kaias who worked on finding all the latest environmental cases and Stephen Polesel who tracked down numerous treaty developments.

For Chapter 11, on oceans, seas and marine living resources, we wish to acknowledge and offer thanks for the research assistance of Daria Shvets, PhD Researcher at the Faculty of Law, University Pompeu Fabra, in Barcelona.

At Cambridge University Press we would like to thank Finola O’Sullivan, Marta Walkowiak and Caitlin Lisle. As ever, such errors or omissions as might have crept in remain our full responsibility.

We express our deep appreciation to Tom Hammick for permission to reproduce on the cover a copy of his artwork, ‘Two Beds’.

Finally, our greatest thanks are to our families: in Australia, Michael Findlay, Aly and Will; and, in London, Natalia, Katya, Lara and Leo.

Philippe Sands  
University College London

Jacqueline Peel  
Melbourne Law School

31 March 2017

## Preface and Acknowledgements to the Third Edition

This third edition of *Principles of International Environmental Law* provides further confirmation that international environmental law is ‘well established’ and ‘a central part of the international legal order’, as the second edition already recognised. In the intervening decade, our appreciation of the complexity of environmental problems, and their deep interlinkages with other issue areas, particularly in the economic field, has grown. In response, international environmental law has also developed increasing complexity, although largely through the consolidation and expansion of existing regimes rather than through the creation of new instruments. Case law on environmental and natural resource issues continues to be a burgeoning area of international litigation, confronting practitioners and judges with difficult new questions such as how to approach science and expert evidence in factually complex and technical disputes. Despite the myriad of legal developments, the most complex environmental problems facing international law remain some of the most pressing, particularly, climate change, marine pollution and biodiversity loss. In a certain sense, the subject of international environmental law is about to meet the point at which the rubber hits the road: can it deliver real protections, or will its impact be only marginal and cosmetic?

Like the previous editions, this edition is intended to provide a comprehensive overview of those rules of public international law that have as their object the protection of the environment. We have sought to state the law as of July 2011. Necessarily, given the vast breadth of the subject and the level of detail now available on some specific topics (climate change, fisheries, trade, biodiversity are leading examples here), the book’s account of the subject area cannot be exhaustive. We have, however, sought to improve the book’s coverage of key areas such as atmospheric protection and climate change, oceans and fisheries and biodiversity. In respect of the latter two topics, the book has benefited enormously from the serious contributions made by the expert and experienced authors of these revised chapters, Adriana Fabra (Chapter 9) and Ruth MacKenzie (Chapter 10), to whom we extend our deep appreciation. We have also introduced a more critical dimension to our analysis of developments in international environmental law, including the case law, and sought to tie this analysis to central themes or challenges for the field, detailed in Chapter 1. Finally, the book includes a new concluding chapter (Chapter 21) that considers the future directions for and challenges facing international environmental law, matters on which we remain sanguine.



xxviii Preface and Acknowledgements to the Third Edition

This edition is co-authored, in contrast to previous editions, with the introduction of Jacqueline Peel of Melbourne University, Australia, who builds on her previous role and now comes on board as a second author.

There are many people from both London and Melbourne who deserve particular thanks for their assistance with the work for this edition.

In London, we express our thanks to Raj Bavishi, Remi Reichhold, Josh Roberts and Christine Wortmann for their superb and timely research assistance, and to Liz Milner and Louise Rands for admirable administrative support. Thanks also to Dean Hazel Genn and the Faculty of Law at University College London for the continued support, including financial support to cover the costs of research assistance.

At Melbourne, the book benefited enormously from the tireless research assistance offered by Emma Cocks. Also deserving of many thanks is the team of students in the Melbourne Law School's Library Research Service supervised by Robin Gardiner. Their extensive efforts to provide updates on legal developments and to track down all the latest relevant treaties warrant our gratitude and recognition: they are Christopher Lum, Cosima McRae, Nahal Zebarjadi, Harvey Liu, Jenny Huynh and Claire Kelly. The Melbourne Law School also provided important support for the project in other ways, most particularly through the provision of seed funding to allow the employment of research assistance.

At Cambridge University Press we would like to thank Finola O'Sullivan and Sinéad Moloney. As ever, such errors or omissions as might have crept in remain our full responsibility.

We express our deep appreciation to Miquel Barceló for permission to reproduce a copy of his etching *Elefandret*, and also to Victoria Comune for her support.

Finally, our greatest thanks are to our families: in Australia, Michael Findlay, Aly and Will; and, in London, Natalia, Katya, Lara and Leo.

Philippe Sands  
University College London

Jacqueline Peel  
Melbourne Law School

30 November 2011

## Preface and Acknowledgements to the Second Edition

The second edition of *Principles of International Environmental Law* indicates that the legal aspects of international environmental issues are of growing intellectual and political interest, and that they have moved beyond the situation I described nearly ten years ago as reflecting ‘an early phase of development’. It is apparent from the new material which this edition treats – new conventions, new secondary instruments, new (or newly recognised) norms of customary law, and a raft of new judicial decisions – that international environmental law is now well established and is a central part of the international legal order. It is also clear that international environmental law has reached new levels of complexity, in particular as it has become increasingly integrated into other social objectives and subject areas, particularly in the economic field. The burgeoning case law, and the increased involvement of practitioners, suggests that it can no longer be said that international environmental law is, as a branch of general public international law, at an early stage of practical development.

Like the first edition, this edition (together with the accompanying volume of international documents for students) is intended to provide a comprehensive overview of those rules of public international law which have as their object the protection of the environment. Those rules have become more numerous and complex, but also more accessible: the advent of the Internet often means that material which was previously difficult to track down – for example, information as to the status, signature and ratification of treaties, and acts and decisions of Conferences of the Parties and subsidiary bodies – is now relatively easy to obtain. But the Internet also increases the danger of becoming overwhelmed by the sheer quantity of material that is now available, a risk which is exacerbated by the very extensive (and growing) secondary literature which is produced every year, only a small proportion of which may really be said to indicate real insights into new developments. This background necessarily means that what is gained on breadth may be lost – at least in some areas – on depth. This comprehensive account cannot address all of the details that now dominate specific areas – trade, fisheries and climate change spring immediately to mind – and the reader will need to refer to more detailed accounts of particular sectors, and the websites of various conventions, to obtain many of the details. Over the past decade, the body of law has again increased dramatically; I have sought to state the law as it was on 1 January 2003.

This second edition has largely been inspired by my endeavours as an academic and practitioner over the last eight years, in particular contact with my academic colleagues at London and New York Universities and professional contact in connection with the various international cases I have been fortunate to be involved in. Again, it is impossible to acknowledge here all the

xxx Preface and Acknowledgements to the Second Edition

sources of input and generous support received since 1995. It is appropriate, however, to acknowledge those colleagues and friends who have exercised particular influence, directly or indirectly. At London University, Matt Craven and Michael Anderson have provided great support, as have many other colleagues at SOAS, together with Richard McCrory, Jane Holder and Jeffrey Jowell at my new home at University College London, with help too from Ray Purdue and Helen Ghosh. At New York University, I could not have wished for greater collegiality and friendship than that offered by Dick Stewart, together with the support offered over many years by Tom Franck, Andy Lowenfeld, Eleanor Fox, Iqbal Ishar, Norman Dorsen, Ben Kingsbury, Radu Popa, Vicki Been and Ricky Revesz, as well as Jane Stewart, and for heaps of administrative support from Jennifer Larmour. At the Project on International Courts and Tribunals, Shep Forman, Ruth MacKenzie, Cesare Romano, Thordis Ingadottir and Noemi Byrd have also provided unstinting support. My former colleagues at FIELD have continued to provide support and assistance, including Jake Werksman, Farhana Yamin, Jurgen Lefevre, Alice Palmer and Beatrice Chaytor.

Many of my students and former students at London and New York Universities have provided long hours of patient assistance. Two colleagues have provided particular support, to whom I extend special thanks and appreciation: Jacqueline Peel, now at the Melbourne University Faculty of Law, who has expended great efforts in assisting with research and in drafting of the highest quality and who, I hope, might become the co-author of this book in its third edition; and Paolo Galizzi, now at Imperial College London, who is co-authoring the student edition of basic documents to accompany this volume. Thanks also go to Valeria Angelini, Lauren Godshall, Ed Grutzmacher, Victoria Hallum, Miles Imwalle, Jimmy Kirby, Lawrence Lee, Bruce Monnington, Lillian Pinzon, Katarina Kompari, Denise Ryan, Anna-Lena Sjolund, Eva Stevens-Boenders and Mimi Yang. Thanks also go to Tim Walsh for electronic wizardry, and – once again – to Louise Rands in deepest Devon for helping to bring the manuscript in on time.

In other places – courts and tribunals and conferences – I have benefited inestimably from the learning and experience offered to me by James Crawford and Pierre-Marie Dupuy, and from Boldizsar Nagy, Vaughan Lowe, Chris Thomas, Laurence Boisson de Chazournes and Adriana Fabra. My colleagues at Matrix Chambers have created an environment which encourages ideas to be generated and tested, supportive of both the environmental law and the international law elements which make up this book and the experience it reflects.

Finally, I would like to thank Finola O'Sullivan and Jennie Rubio at Cambridge University Press. Needless to say, such errors or omissions as might have crept in remain my full responsibility.

For her efforts on a day-to-day basis – and every day – my greatest thanks are to Natalia Schiffrin, for all her help, and for continuing to remind me of what is important in life and what isn't. And of course this time she has had a little help from Leo, Lara and Katya, each of whom has contributed uniquely over the last eight years.

Philippe Sands  
1 June 2003  
Faculty of Laws  
University College London  
Bentham House  
London WC1H 0EG

## Preface and Acknowledgements to the First Edition

*Principles of International Environmental Law* marks the culmination of that aspect of my professional activities which was triggered by the accident at the Chernobyl nuclear power plant, on 26 April 1986. At that time I was a research fellow at the Research Centre for International Law at Cambridge University, working on international legal aspects of contracts between states and non-state actors, and not involved in environmental issues. With the active support of the Research Centre's Director, Eli Lauterpacht, I began to examine the international legal implications of the Chernobyl accident, which indicated that the legal aspects of international environmental issues were of intellectual and political interest, and still in an early phase of development. This led to several research papers, a book and various matters involving the provision of legal advice on international environmental issues. My interest having been aroused, the implications of environmental issues for public international law provided a rich seam which has sustained me for several years, and resulted in my founding, with James Cameron, what is now the Foundation for International Environmental Law and Development (FIELD). That, in turn, has provided me with the fortunate opportunity to participate in a number of international negotiations, most notably those preparatory to UNCED and the Climate Change Convention, and to develop an international legal practice which is varied, unpredictable, entertaining, often challenging and occasionally frustrating.

This book, together with the accompanying volumes of international documents (Volumes IIA and IIB) and EC documents (Volume III), is intended to provide a comprehensive overview of those rules of public international law which have as their object the protection of the environment. I hope that it will be of some use to lawyer and non-lawyer alike, whether working for government, international organisations, non-governmental organisations and the private sector, or having an academic or other perspective. Its structure and approach reflect my belief that international environmental efforts will remain marginal unless they are addressed in an integrated manner with those international economic endeavours which retain a primary role in international lawmaking and institutional arrangements, and unless the range of actors participating in the development and application of international environmental law continues to expand. In that regard, it is quite clear that international environmental law remains, as a branch of general public international law, at an early stage of practical development, in spite of the large body of instruments and a burgeoning literature. Over the past decade the body of law has increased dramatically, and only the best-equipped researchers will be able to keep up with all developments as they occur. I have sought to state the law as it was on 1 January 1993, although

xxxii Preface and Acknowledgements to the First Edition

the diligent reader will note that on some aspects more recent developments have also been treated.

*Principles of International Environmental Law* therefore marks the culmination of an initial phase of my endeavours as an academic and practitioner. Its roots run deep and wide, and it is impossible to acknowledge here all the sources of input and generous support which I have received over the past several years. It seems to me to be quite appropriate, however, to acknowledge those teachers, colleagues and friends who have exercised particular influence, directly or indirectly.

The fact that I became interested in international law at all is largely due to my first teacher of international law, Robbie Jennings, then in his final year at Cambridge before moving to The Hague: I am hugely grateful for his inspiring encouragement and support ever since, particularly for taking the view that the environment was, even several years ago, properly a subject for consideration in its international legal aspect. Eli Lauterpacht gave me my first professional 'break' and taught me, in particular, the value of a practical approach and the importance of rigour. Even at a distance, Philip Allott constantly reminds me of the need to think about the bigger picture. And lest I should slip, David Kennedy has been a critical inspiration in reminding me that there is another way.

Colleagues at London University (particularly Ian Kennedy at King's College and Peter Slinn at the School of Oriental and African Studies) have provided great support in allowing me the flexibility to combine teaching with practical efforts. I would also like to record my debt to Tom Franck for introducing me to New York University Law School, and to Dean John Sexton for giving me a more regular perch from which to base my forays to the United Nations.

I am tremendously indebted to all my colleagues at FIELD. I would like to thank the Board of Trustees, and especially John Jopling, the Chairman, for allowing me to devote considerable time to this project, as well as Marian Bloom, Frances Connelly, Rona Udall and Roger Wilson for their administrative support. Many FIELD interns provided long hours of patient assistance, and I want especially to thank Carolyn d'Agincourt, Mary Beth Basile and Kiran Kamboj for going way beyond the call of duty during their extended internships, and Joanna Jenkyn-Jones, Hugo Jolliffe and Penny Simpson for helping me to get over the final hurdles more easily. But it is to FIELD's lawyers that I extend especially warm thanks for helping me to fulfil my other obligations and for always being available to provide information and critical insights on those areas in which they are expert. James Cameron is an inspirational friend, colleague and co-founder of FIELD, and I feel fortunate to have found a working partner who is able to provide me with the space and support to get on with my own efforts while reminding me that I also have, in all senses, broader responsibilities. Greg Rose (now at the Australian Department of Foreign Affairs and Trade), Jake Werksman and Farhana Yamin have been outstanding colleagues and friends. Richard Tarasofsky and Mary Weiss, my collaborators on Volumes II and III, assisted also in the preparation of this volume. FIELD's many supporters have also contributed, indirectly but significantly, to the production of this book, and I would like to thank, in particular, Janet Maughan (Ford Foundation), Mike Northrop (Rockefeller Brothers Fund), Ruth Hennig (John Merck Fund) and Marianne Lais Ginsburg (German Marshall Fund) for supporting FIELD's efforts and enabling me to participate in some of the important international legal developments since 1989. At my chambers, I want to thank Ailsa Wall for her magnificent typing efforts, and Paul Cooklin for his accommodation of my rather peripatetic needs.

xxxiii Preface and Acknowledgements to the First Edition

For their efforts on a day-to-day basis my deepest gratitude, however, is reserved for two individuals without whose support it is unimaginable that this book could have been completed. Louise Rands has run my office for the past two and a half years with the greatest efficiency, effectiveness and humour anyone could hope to benefit from, maintaining order (and priorities) in the maelstrom of activities and obligations that frequently engulf FIELD's offices. Natalia Schiffrin has been absolutely fabulous in putting up with the demands that the book placed on our daily routine, and reminding me of what is important in life and what isn't.

I must also acknowledge the assistance of numerous other individuals, who enabled me to obtain access to information or to participate in various meetings, in particular: Andronico Adede (Office of Legal Affairs, United Nations); Raymondo Arnaudo and Genevieve Ball (United States Department of State); Dr John Ashe (Permanent Mission of Antigua and Barbuda to the United Nations); Cath Baker, A. M. Forryan and Susan Halls (UK Foreign and Commonwealth Office); Germaine Barikako (OAU); William Berenson (OAS); Giselle Bird (Department of Foreign Affairs and Trade, Australia); Celine Blais (External Affairs and International Trade, Canada); Dan Bodansky (University of Washington School of Law); Laurence Boisson de Chazournes (Institut des Hautes Etudes, Geneva); M. Borel (Departement Federal des Affaires Etrangeres, Switzerland); Jo Butler and Michael Zammit-Cutajar (Climate Change Convention Interim Secretariat); G. de Proost (Ministere des Affaires Etrangeres, Belgium); Juan-Manuel Dias-Pache Pumareda (Ministerio de Asuntes Exteriores, Spain); Dr Emonds (Bundesministerium fur Umwelt, Naturschutz und Reaktorsicherheit, Germany); Philip Evans (Council of the European Communities); Denis Fada (FAO); Dr Antonio Fernandez (International Commission for the Conservation of Atlantic Tunas); Dr Charles Flemming (Permanent Representative of St Lucia to the United Nations); Nigel Fyfe and Paul Keating (New Zealand Ministry of External Affairs and Trade); Dr R. Gambell (International Whaling Commission); John Gavitt (CITES Secretariat); Professor Gunther Handl (Editor, *Yearbook of International Environmental Law*); Beatrice Larre (OECD); Howard Mann (Environment Canada); Norma Munguia (Mexican Embassy, Washington); Lincoln Myers (formerly Minister of Environment, Trinidad and Tobago); Boldiszar Nagy (Associate Professor, Eotvos Lorand University); Bernard Noble (Deputy Registrar, International Court of Justice); Manoel Pereyra (ICAO); Amelia Porges (GATT); Marie-Louise Quere-Messing (United Nations); N. Raja Chandran (Ministry of Foreign Affairs, Malaysia); Patrick Reyners (OECD-NEA); Keith Richmond (FAO); Stan Sadowski (Paris/Oslo Commissions); Candice Stevens (OECD); Wouter Sturms (IAEA); Patrick Szell (UK Department of Environment); Dr Alexandre Timoshenko (UNEP); Eduardo Valencia Ospina (Registrar, International Court of Justice); Robert van Lierop (formerly Permanent Representative of Vanuatu to the United Nations); Makareta Waqavonova (South Pacific Forum); and Linda Young (IMO).

Finally, I would like to thank Vaughan Lowe for encouraging me to write this textbook (and the supporting volumes of documents), for providing clear intellectual guidance and support, and for introducing me to Manchester University Press. At the Press, Richard Purslow has been as patient and supportive an editor as one could possibly hope to find, and his colleagues Jane Hammond Foster, Elaine White and Celia Ashcroft have provided enormous assistance. Needless to say, such errors or omissions as might have crept in remain my full responsibility.

Philippe Sands  
 London  
 1 November 1994

## Table of Cases

### Permanent Court of International Justice

Chorzów Factory (Germany *v.* Poland), PCIJ Series A No. 17, 29  
 Diversion of the Waters from the Meuse (Netherlands *v.* Belgium), PCIJ Series A/B No. 70  
 Frontier Between Turkey and Iraq, PCIJ Series B No. 12  
 Jurisdiction of the Courts of Danzig (Poland, Advisory Opinion), PCIJ Series B No. 15  
 Legal Status of Eastern Greenland (Denmark *v.* Norway), PCIJ Series A/B No. 53  
*The Lotus* (France/Turkey), PCIJ Series A No. 10  
 Mosul case, PCIJ Series B No. 12  
 Territorial Jurisdiction of the International Commission of the River Oder (1929) (Czechoslovakia, Denmark, France, Germany, Great Britain, Sweden, Poland), PCIJ Series A No. 23  
*The Wimbledon* (Great Britain, France, Italy, Japan and Poland (Intervening) *v.* Germany), PCIJ Series A No. 1

### International Court of Justice

Asylum (Colombia/Peru) (1950) ICJ Reports 266  
 Barcelona Traction, Light and Power Company Ltd (Second Application) (Belgium *v.* Spain) (1970) ICJ Reports 3  
 Certain Phosphate Lands in Nauru (Nauru *v.* Australia) (1992) ICJ Reports 240  
 Continental Shelf (Libya/Malta) (1985) ICJ Reports 13  
 Corfu Channel (United Kingdom *v.* Albania) (1949) ICJ Reports 4  
 Costa Rica *v.* Nicaragua Case (Judgment), 16 December 2015, available at [www.icj-cij.org/docket/files/152/18848.pdf](http://www.icj-cij.org/docket/files/152/18848.pdf)  
 Fisheries Jurisdiction (*Estai*) (Spain *v.* Canada) (1998) ICJ Reports 432  
 Fisheries Jurisdiction (Federal Republic of Germany *v.* Iceland) (Jurisdiction) (1973) ICJ Reports 96; (Merits) (1974) ICJ Reports 175

Fisheries Jurisdiction (United Kingdom *v.* Iceland) (Jurisdiction) (1973) ICJ Reports 3; (Merits) (1974) ICJ Reports 3  
 Fisheries Jurisdiction (United Kingdom *v.* Norway) (1951) ICJ Reports 116  
 Frontier Dispute (Burkina Faso/Mali) (1986) ICJ Reports 554  
 Gabčíkovo–Nagymaros (Hungary/Slovakia) (1997) ICJ Reports 7  
 Gulf of Maine case (Canada/United States) (1984) ICJ Reports 246  
 Kasikili/Sedudu Island (Botswana/Namibia) (1999) ICJ Reports 1045  
 Legality of the Threat or Use of Nuclear Weapons (1996) ICJ Reports 226  
 Legality of the Use of Force (Yugoslavia *v.* United Kingdom) (1999) ICJ Reports 174  
 Maritime Dispute (Peru *v.* Chile) (Judgment) (2014) ICJ Reports 3  
 Military and Paramilitary Activities in and Against Nicaragua (Nicaragua *v.* United States) (1986) ICJ Reports 14  
 Navigational and Related Rights (Costa Rica *v.* Nicaragua) (Judgment) (2009) ICJ Reports 214  
 North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands) (1969) ICJ Reports 3  
 Nottebohm (Liechtenstein *v.* Guatemala) (Judgment) (1955) ICJ Reports 4  
 Nuclear Tests (Australia *v.* France) (Interim Protection) (1973) ICJ Reports 99; (Judgment) (1974) ICJ Reports 253  
 Nuclear Tests (New Zealand *v.* France) (Interim Protection) (1973) ICJ Reports 135; (Judgment) (1974) ICJ Reports 457  
 Passage Through the Great Belt (Finland *v.* Denmark) (Provisional Measures) (1991) ICJ Reports 12  
 Pulp Mills on the River Uruguay (Argentina *v.* Uruguay) (Provisional Measures), Order of 13 July 2006 (2006) ICJ Reports 113

xxxvi Table of Cases

Pulp Mills on the River Uruguay (Argentina *v.* Uruguay) (Judgment) (2010) ICJ Reports 18  
 Reparation for Injuries Suffered in the Service of the United Nations (1949) ICJ Reports 174  
 Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand *v.* France) (1995) ICJ Reports 288  
 Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide (1951) ICJ Reports 15  
 South West Africa (Preliminary Objections) (1966) ICJ Reports 47  
 Territorial and Maritime Dispute (Nicaragua *v.* Colombia) (Judgment) (2012) ICJ Reports 626  
 Whaling in the Antarctic (Australia *v.* Japan; New Zealand intervening) (Judgment) (2014) ICJ Reports 226

### International Tribunal for the Law of the Sea

The Arctic Sunrise Case (Kingdom of the Netherlands *v.* Russian Federation) (Provisional Measures), Case No. 22, Order of 22 November 2013  
 The 'Hoshinmaru' case (Japan *v.* Russian Federation) (2007) 143 ILR 1  
 The MOX Plant case (Ireland *v.* United Kingdom) (Interim Measures), Order of 3 December 2001, 41 ILM 405 (2002)  
 The *M/V 'Louisa'* case (Saint Vincent and the Grenadines *v.* Kingdom of Spain) (Provisional Measures) Case No. 18, 23 December 2010  
 The *M/V 'Louisa'* case (Saint Vincent and the Grenadines *v.* Kingdom of Spain) (Judgment) Case No. 18, 28 May 2013  
 The *M/V 'Virginia G'* case (Panama *v.* Guinea-Bissau) (Judgment), Case No. 19, 14 April 2014  
 Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC) (Advisory Opinion), Case No. 21, 2 April 2015  
 Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area (Advisory Opinion), Case No. 17, 1 February 2011  
 Southern Bluefin Tuna (Australia and New Zealand *v.* Japan), 39 ILM 1359 (2000), 4 August 2002  
 Volga case (Russia *v.* Australia), Prompt Release (Judgment), Case No. 11, 22 December 2002

### International Arbitral Tribunals

Azinian, Davitian and Baca *v.* Mexico, 1 November 1998, 5 ICSID Reports 269

Bering Sea Fur Seals Fisheries arbitration (Great Britain *v.* United States), Moore's International Arbitration (1893), 755  
 Chagos Marine Protected Area Arbitration (Mauritius *v.* United Kingdom), PCA Case number 2011-03, Final Award of 18 March 2015  
 The Claytons and Bilcon Inc *v.* Canada, PCA Case No. 2009-04, Award on Jurisdiction and Liability, 17 March 2015  
 Compania del Desarrollo de Santa Elena SA *v.* Costa Rica, 17 February 2000, 39 ILM 1317 (2000)  
 Dispute Concerning Access to Information under Article 9 of the OSPAR Convention, Permanent Court of Arbitration, 2 July 2003, 42 ILM 1118 (2003)  
 Ethyl Corporation *v.* Canada (Jurisdiction Phase), 38 ILM 708 (1999)  
 Feldman (Marvin) *v.* Mexico, 9 December 2002, ICSID Case ARB(AF)/99/1  
 Gentini case (Italy *v.* Venezuela), 10 RIAA 551  
 Glamis Gold Ltd *v.* United States (Award) NAFTA Chapter 11 Arbitral Tribunal, 8 June 2009  
 Gut Dam arbitration, 8 ILM 118 (1969)  
 Indus Waters Kishenganga Arbitration (Pakistan *v.* India), PCA Case No. 2011-01 (Interim Measures), Order of 23 September 2011 (Partial Award), Order of 18 February 2013 (Final Award), Order of 20 December 2013  
 Iron Rhine Arbitration (Belgium/Netherlands), PCA Case 2003-02, Final Award 24 May 2005  
 Kuwait *v.* American Independent Oil Co., 21 ILM 976 (1982)  
 Lac Lanoux arbitration (France *v.* Spain), 24 ILR 101 (1957)  
 Metalclad Corporation *v.* Mexico, 25 August 2000, 40 ILM 35 (2001)  
 Methanex *v.* United States, 15 January 2001, 44 ILM 1345 (2005)  
 MOX Plant Case (Ireland *v.* United Kingdom), PCA Case No. 2002-01, Final Award of 6 June 2008  
 Palmas case, 2 HCR 84 (PCA, 1928)  
 People of Enewetak (Marshall Islands Nuclear Claims Tribunal, 13 April 2000), 39 ILM 1214 (2000)  
 Pope and Talbot *v.* Canada, NAFTA Chapter 11 Arbitral Tribunal, 26 June 2000, 40 ILM 258 (2001)  
 Rainbow Warrior (New Zealand *v.* France), 82 ILR 500  
 Review Panel established under the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, PCA Case No. 2013-14, Final Award of 5 July 2013  
 S. D. Myers Inc. *v.* Canada, NAFTA Chapter 11 Arbitral Tribunal, 13 November 2000, 40 ILM 1408 (2001)  
 Saluka Investments B.V. *v.* Czech Republic, PCA Case No. 2001-04, Final Award of 17 March 2006  
 The South China Sea Arbitration (The Republic of Philippines *v.* The People's Republic of China), PCA Case 2013-19, Final Award of 12 July 2016



xxxvii | Table of Cases

Texaco Overseas Petroleum Co. and California Asiatic Oil Co. *v.* Libya, 53 ILR 389 (1977)  
 Trail Smelter arbitration (United States *v.* Canada), 16 April 1938, 11 March 1941, 3 RIAA 1907 (1941)  
 Waste Management Inc. *v.* Mexico, 2 June 2000, 5 ICSID Reports 443

### GATT Panel Decisions

Canada – Measures Affecting Exports of Unprocessed Herring and Salmon, BISD/35S/98 (1988)  
 Thailand – Restriction on Importation of and Internal Taxes on Cigarettes, BISD/37S/200 (1990)  
 Tuna/Dolphin I, 30 ILM 1594 (1991)  
 Tuna/Dolphin II, 33 ILM 839 (1991)  
 United States – Chemicals Tax, BISD/34S/160 (1987)  
 United States – Measures on Yellow-Fin Tuna Imports, GATT Doc. DS21/R (1991)  
 United States – Tuna Import Measures, BISD/29S/91 (1982)

### WTO Cases

Australia – Measures Affecting Importation of Salmon, WT/DS18/R, 12 June 1998 and WT/DS18/AB/R, 20 October 1998  
 Australia – Measures Affecting the Importation of Apples from New Zealand, WT/DS367/AB/R, 29 November 2010  
 Brazil – Measures Affecting Imports of Retreaded Tyres, Report of the Appellate Body, WT/DS332/AB/R, 3 December 2007  
 Canada – Certain Measures Affecting the Renewable Energy Generation Sector, Reports of the Appellate Body, WTO Docs. WT/DS412/AB/R, WT/DS426/R, 6 May 2013  
 EC – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/R, 18 September 2000, and WT/DS135/AB/R, 12 March 2001  
 EC – Measures Affecting the Approval and Marketing of Biotech Products, Reports of the Panel, WTO Docs WT/DS291/R, WT/DS292/R, WT/DS293/R, 29 September 2006  
 EC – Measures Concerning Meat and Meat Products (Hormones), WT/DS48/AB/R, 16 January 1998; WT/DS26/R/USA and WT/DS48/CAN, 18 August 1997  
 EC – Measures Prohibiting the Importation and Marketing of Seal Products, Report of the Appellate Body, WT/DS400/AB/R, WT/DS401/AB/R, 22 May 2014  
 India – Solar Cells, Report of the Appellate Body, WT/DS456/AB/R, 16 Sep. 2016  
 Japan – Measures Affecting Agricultural Products, WT/DS76/R, 27 October 1998, and WT/DS76/AB/R, 22 February 1999

Japan – Measures Affecting the Importation of Apples, WT/DS245/AB/R, 26 November 2003  
 Swordfish case (Chile *v.* EC), DS193, 12 December 2000  
 United States – Continued Suspension of Obligations in the EC – Hormones Dispute, WT/DS320/AB/R, 16 October 2008  
 United States – Import Prohibition of Certain Shrimp and Shrimp Products, 12 October 1998, 38 ILM 118 (1999)  
 United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products, Report of the Panel, WTO/DS381/R, 15 September 2011  
 United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products, Article 21.5 Report of the Appellate Body, WTO/DS381/AB/RW, 20 November 2015  
 United States – Reformulated Gasoline, 35 ILM 603 (1996)

### World Bank Administrative Tribunal

De Merode *v.* World Bank, WBAT Reports [1987] Decision No. 1 110

### European Patent Office

Harvard College, Case T19/90, OJ EPO 12/199012  
 Hasan Sigergok, Case J0006/14, 2 June 2015  
 Hormone Relaxin, Case T272/95, OJ EPO 1995/6  
 Lubrizol Genetics Inc., Case T320/87, OJ EPO 1990/3  
 Oncomouse, Application No. 85 304 490.7, OJ EPO 1992  
 Plant Genetic Systems, Case T356/93, OJ EPO 1995/8

### European Court of Human Rights

Arrondelle *v.* United Kingdom (1982) 26 DR 5  
 Bacila *v.* Romania, Application No. 19234/04, Judgment of 30 March 2010  
 Balmer-Schafroth *v.* Switzerland (1998) 25 EHRR 598  
 Bladet Tromsø and Stensas *v.* Norway (2000) 29 EHRR 125  
 Brânduşe *v.* Romania, Application No. 6586/03, Judgment of 7 April 2009  
 Budayeva *v.* Russia [2008] ECHR 15339/02, Judgment of 20 March 2008  
 Church of X *v.* United Kingdom, Application No. 3798/68  
 Di Sarno and Others *v.* Italy, Application No. 30765/08, Judgment of 10 January 2012  
 Dubetska & Ors *v.* Ukraine, Application No. 30499/03, Judgment of 10 February 2011

xxxviii Table of Cases

Fredin *v.* Sweden, Judgment of 18 February 1991, ECHR Series A No. 192  
 Guerra and Others *v.* Italy (1998) 26 EHRR 357  
 Hamer *v.* Belgium, Judgment of 27 November 2007, ECHR Application No. 21861/03  
 Hatton and Others *v.* United Kingdom (2002) 34 EHRR 1  
 Klass *v.* Germany (1978) 2 EHRR 214  
 Kolyadenko & Ors *v.* Russia, Application No. 17423/05, 20534/05, 20678/05, 23263/05, 24283/05 and 35673/05, Judgment of 28 February 2012  
 Lopez Ostra *v.* Spain, ECHR Series A No. 303-C; (1995) 20 EHRR 277  
 Mangouras *v.* Spain, ECHR Application No. 12050/04, Grand Chamber Judgment of 28 September 2010  
 Matos e Silva *v.* Portugal (1997) 24 EHRR 573  
 Oerlemans *v.* Netherlands, ECHR Series A No. 219; (1993) 15 EHRR 561  
 Oneryildiz *v.* Turkey (2005) 41 EHRR 325, Grand Chamber, Judgment of 30 November 2004  
 Pine Valley Developments Ltd and Others *v.* Ireland, ECHR Series A No. 222; (1992) 14 EHRR 319  
 Powell and Rayner *v.* United Kingdom, ECHR Series A No. 172; (1990) 12 EHRR 355  
 Tâtar *v.* Romania, ECHR Application No. 67021/01, Judgment of 27 January 2009  
 Turgut and Others *v.* Turkey, Judgment of 8 July 2008, ECHR Application No. 1411/03  
 X *v.* Federal Republic of Germany, Application No. 9234/81, 26 DR 270  
 X and Y *v.* Federal Republic of Germany, Application No. 7407/76, Decision of 13 May 1976 on the Admissibility of the Application, 5 DR 161 (1976)

**African Commission on Human and Peoples' Rights**

Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council *v.* Kenya, Communication 276/2003, May 2009 (Approved by the African Union in January 2010)  
 Social and Economic Rights Action Centre and another *v.* Federal Republic of Nigeria (Ogoniland case), Communication 155/96 (African Commission on Human and Peoples' Rights 2001)

**Inter-American Commission/Court on Human Rights**

Kuna of Madungandí and Emberá of Bayano Indigenous Peoples and Their Members *v.* Panama, 30 November 2012, IACHR Merits Report No. 125/12, Case 12.354  
 Mayagna (Sumo) Awas Tingni Community *v.* Nicaragua, Judgment of 31 August 2001, Inter-AmCtHR Series C No. 79 786  
 Miguel Ignacio Fredes Gonzales and Andrea Tuzcek Fries *v.* Chile, Admissibility Decision of 19 March 2009, Inter-AmCtHR Report No. 14/09, Case 12.696 648  
 San Mateo de Huancho *v.* Peru, Case 12.471, Admissibility Decision of 15 October 2004  
 Saramaka People *v.* Suriname, Judgment of 28 November 2007, Series C No. 172  
 Yanomami *v.* Brazil, Case No. 7615 of 5 March 1985, OAS Doc. OAE/Ser.L/VII.66.doc.10 rev.1, 24 (1985)

## Table of Treaties and Other International Instruments

The following list includes only treaties and other international instruments cited frequently in the text or of particular significance. 'Not in force' indicates that the treaty had not entered into force by 31 March 2017. Many of the major agreements can be found in Sands and Galizzi (eds.), *Documents in International Environmental Law* (Cambridge University Press, 2004). The texts of many treaties and other instruments – particularly the more recent ones – are also readily accessible on the Internet.

### TREATIES

#### 1867

Convention Between France and Great Britain Relative to Fisheries (Paris) 11 November 1867, in force 18 January 1868, 21 IPE 1

#### 1869

Convention Establishing Uniform Regulations Concerning Fishing in the Rhine Between Constance and Basel (Berne) 9 December 1869, 9 IPE 4695

#### 1882

International Phylloxera Convention, with a Final Protocol (Berne) 23 June 1882, 4 IPE 1571 25  
Treaty for the Regulation of the Police of the North Sea Fisheries (Overfishing Convention), S. Ex. Doc. 106, 50 Congress, 2 Sess. 97

#### 1887

Convention Designed to Remove the Danger of Epizootic Diseases in the Territories of Austria-Hungary and Italy (Rome) 7 December 1887, 4 IPE 1586

#### 1891

Agreement Between the Government of the United States of America and the Government of Her Britannic Majesty for a Modus Vivendi in Relation to Fur Seal Fisheries in the Bering Sea (Washington) 15 June 1891, 8 IPE 3655

#### 1892

Convention Between the Government of the United States of America and the Government of Her Britannic Majesty for the Renewal of the Existing Modus Vivendi in the Bering Sea (Washington) 18 April 1892, 4 IPE 3656

**xi | Table of Treaties and Other International Instruments**

**1899**

International Convention with Respect to the Laws and Customs of War by Land (Hague II) 29 July 1899, in force 4 September 1900, 26 Martens (2nd) 793

**1900**

Convention Between the Riverine States of the Rhine Respecting Regulations Governing the Transport of Corrosive and Poisonous Substances (Mannheim) 11 May 1900, 25 IPE 214

Convention destinée à assurer la conservation des diverses espèces vivantes à l'état sauvage en Afrique qui sont utiles à l'homme ou inoffensives (London) 19 May 1900, 4 IPE 1607 (1900 London Convention)

**1902**

Convention concernant l'exploitation et la conservation des pêcheries dans la partie-frontière du Danube (Belgrade) 15 January 1902, 190 CTS 344

Convention for the Protection of Birds Useful to Agriculture (Paris) 19 March 1902, in force 20 April 1908, 4 IPE 1615

**1907**

Convention Concerning the Laws and Customs of War on Land (The Hague) 18 October 1907, in force 26 January 1910, 3 Martens (3rd) 461 (1907 Hague Convention IV)

Convention Relative to the Laying of Automatic Submarine Contact Mines (The Hague) 18 October 1907, in force 26 January 1910, 3 Martens (3rd) 580 (Hague Convention VIII)

Hague Convention on the Pacific Settlement of International Disputes (The Hague) 18 October 1907

**1909**

Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada (Washington) 11 January 1909, in force 5 May 1910, 10 IPE 5158 (1909 Boundary Water Treaty)

**1911**

Convention Between the United States of America, the United Kingdom of Great Britain and Ireland, and Russia, for the Preservation and Protection of Fur Seals (Washington) 7 July 1911, in force 15 December 1911, 8 IPE 3682

**1913**

Act of Foundation of a Consultative Committee for the International Protection of Nature (Berne) 19 November 1913, 4 IPE 1631

**1916**

Convention for the Protection of Migratory Birds in the United States and Canada (Washington) 16 August 1916, 4 IPE 1638

**1923**

Convention for the Preservation of the Halibut Fishery of the North Pacific Ocean, 2 March 1923, 32 LNTS 93

Convention Relative to the Development of Hydraulic Power Affecting More than One State (Geneva) 9 December 1923, 36 LNTS 76

**1924**

International Agreement for the Creation of an International Office for Dealing with Contagious Diseases of Animals (Paris) 25 January 1924

**xli | Table of Treaties and Other International Instruments**

**1925**

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (Geneva) 17 June 1925, in force 9 May 1926, 94 LNTS 65

**1930**

Convention for the Preservation of the Halibut Fishery of the North Pacific Oceans and the Bering Sea, 9 May 1930, 121 LNTS 209

**1931**

Convention for the Regulation of Whaling (Geneva) 24 September 1931, in force 16 January 1935, 155 LNTS 349

**1933**

Convention Relative to the Preservation of Fauna and Flora in their Natural State (London) 8 November 1933, in force 14 January 1936, 172 LNTS 241 (1933 London Convention)

Montevideo Convention on the Rights and Duties of States (Montevideo) 26 December 1933, in force 26 December 1934, 165 LNTS 19

**1935**

Convention for the Final Settlement of the Difficulties Arising Through the Complaints of Damage Done in the State of Washington by Fumes Discharged from the Smelter of the Consolidated Mining and Smelting Company (Trail, British Columbia) 15 April 1935, 162 LNTS 73

Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (Washington) 15 April 1935, in force 26 August 1935, 167 LNTS 289

**1936**

Convention for the Protection of Migratory Birds and Game Mammals (Mexico–United States) 7 February 1936, 178 LNTS 309

**1937**

International Agreement for the Regulation of Whaling (London) 8 June 1937, 190 LNTS 79 (Protocol, London, 24 June 1938, 196 LNTS 131)

**1940**

Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (Washington) 12 October 1940, in force 1 May 1942, 161 UNTS 193 (1940 Western Hemisphere Convention)

**1942**

Provisional Fur Seal Treaty, 156 UNTS 363 (1942)

**1944**

Treaty Relating to the Utilization of the Colorado and Tijuana Rivers, and the Rio Grande (Rio Bravo) from Fort Quitman (Texas) to the Gulf of Mexico (Washington) 3 February 1944, 3 UNTS 314

**1946**

International Convention for the Regulation of Whaling (Washington) 2 December 1946, in force 10 November 1948, 161 UNTS 72 (as amended 19 November 1956, 338 UNTS 336) (1946 International Whaling Convention)

**1947**

General Agreement on Tariffs and Trade (Geneva) 30 October 1947, 55 UNTS 194 (in force provisionally since 1 January 1948 under the 1947 Protocol of Application, 55 UNTS 308) (GATT 1947)

**xlii Table of Treaties and Other International Instruments**

**1949**

Convention IV for the Protection of War Victims, Concerning Protection of Civilians in Time of War (Geneva) 12 August 1949, in force 21 October 1950, 75 UNTS 287 (1949 Geneva Convention IV)

FAO Agreement for the Establishment of a General Fisheries Council for the Mediterranean (Rome) 24 September 1949, in force 3 December 1963, 126 UNTS 237 (as amended 1963) (1949 FAO Mediterranean Fisheries Agreement)

Washington Convention for the Establishment of an Inter-American Tropical Tuna Commission (Washington) 30 May 1949, in force 3 March 1950, 80 UNTS 3 (1949 Tropical Tuna Convention)

**1950**

European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome) 4 November 1950, in force 3 September 1953, 213 UNTS 221 (1950 ECHR)

International Convention for the Protection of Birds (Paris) 18 October 1950, in force 17 January 1963, 638 UNTS 185 (1950 Birds Convention)

Protocol to Establish a Tripartite Standing Committee on Polluted Waters (Brussels) 8 April 1950, in force 8 April 1950, 66 UNTS 285

**1951**

FAO International Plant Protection Convention (Rome) 6 December 1951, in force 3 April 1952, 150 UNTS 67 (1951 International Plant Protection Convention)

International Convention for the Establishment of the European and Mediterranean Plant Protection Organization (Paris) 18 April 1951, in force 1 November 1953, UKTS 44 (1956) (1951 European Plant Protection Convention)

**1952**

International Convention for the High Seas Fisheries of the North Pacific Ocean (Tokyo) 9 May 1952, in force 12 June 1953, 205 UNTS 65 (1952 North Pacific Fisheries Convention)

**1953**

Convention on the International Right of Correction, 16 December 1952, entered into force 24 August 1962, 435 UNTS 191

**1954**

Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague) 14 May 1954, in force 7 August 1956, 249 UNTS 215 (1954 Hague Convention)

European Cultural Convention (Paris) 19 December 1954, in force 5 May 1955, 218 UNTS 139

International Convention for the Prevention of Pollution of the Sea by Oil (London) 12 May 1954, in force 26 July 1958, 327 UNTS 3 (1954 Oil Pollution Convention)

Phyto-Sanitary Convention for Africa South of the Sahara (London) 29 July 1954, in force 15 June 1956, 1 SMTE 115 (1954 African Phyto-Sanitary Convention)

**1956**

FAO Plant Protection Agreement for South-East Asia and the Pacific Region (Rome) 27 February 1956, in force 2 July 1956, 247 UNTS 400

**xliii | Table of Treaties and Other International Instruments**

**1957**

European Agreement Concerning the International Carriage of Dangerous Goods by Road (Geneva)  
 30 September 1957, in force 20 January 1968, 619 UNTS 77, 1297 UNTS 406 (1957 ADR)

Interim Convention on Conservation of North Pacific Fur Seals (Washington) 9 February 1957, in force  
 14 October 1957, 314 UNTS 105

Treaty Establishing the European Atomic Energy Authority (Rome) 25 March 1957, in force 1 January 1958,  
 298 UNTS 167 (1957 EURATOM)

**1958**

Agreement Concerning the Adoption of Uniform Conditions of Approval for Motor Vehicle Equipment and  
 Parts (Geneva) 20 March 1958, in force 20 June 1959, 35 UNTS 211

Convention Concerning Fishing in the Waters of the Danube (Bucharest) 29 January 1958, in force  
 20 December 1958, 339 UNTS 23 (1958 Danube Convention)

Convention on Fishing and Conservation of the Living Resources of the High Seas (Geneva) 29 April 1958,  
 in force 20 March 1966, 559 UNTS 285 (1958 High Seas Conservation Convention)

Convention on the Continental Shelf (Geneva) 29 April 1958, in force 10 June 1964, 499 UNTS 311  
 (1958 Continental Shelf Convention)

Convention on the High Seas (Geneva) 29 April 1958, in force 30 September 1962, 450 UNTS 82

**1959**

Agreement Concerning Co-operation in the Quarantine of Plants and Their Protection Against Pests and  
 Diseases (Sofia) 14 December 1959, in force 19 October 1960, 1 SMTE 153 (1959 Plant Protection Agreement)

Agreement for the Establishment on a Permanent Basis of a Latin American Forest Research and Training  
 Institute (Rome) 18 November 1959, in force 16 November 1960, 1 SMTE 143 (1959 Latin American Forest  
 Research Agreement)

Antarctic Treaty (Washington) 1 December 1959, in force 23 June 1961; 402 UNTS 71 (1959 Antarctic Treaty)

Convention Concerning Fishing in the Black Sea (Varna) 7 July 1959, in force 21 March 1960, 377 UNTS  
 203 (1959 Black Sea Fishing Convention)

North-East Atlantic Fisheries Convention (London) 24 January 1959, in force 27 June 1963, 486 UNTS 157  
 (1959 NEAFC)

**1960**

Convention on the Protection of Lake Constance Against Pollution (Steckborn) 27 October 1960, in force  
 10 November 1961, 620 UNTS 191

ILO Convention (No. 115) Concerning the Protection of Workers Against Ionising Radiation (Geneva)  
 22 June 1960, in force 17 June 1962, 431 UNTS 41 (1960 Radiation Convention)

OECD Convention on Third Party Liability in the Field of Nuclear Energy (Paris) 29 July 1960, in force  
 1 April 1968, 956 UNTS 251 (1960 Paris Convention)

**1961**

International Convention for the Protection of New Varieties of Plants (Brussels) 2 December 1961, in force  
 10 August 1968, 15 UNTS 89 (UPOV Convention)

Protocol Concerning the Constitution of an International Commission for the Protection of the Mosel  
 Against Pollution (Paris) 20 December 1961, in force 1 July 1962, 940 UNTS 211

**xliv Table of Treaties and Other International Instruments**

**1962**

Convention Concerning the Protection of the Waters of Lake Geneva Against Pollution (Paris) 16 November 1962, in force 1 November 1963, 922 UNTS 49

Convention on the African Migratory Locust Organization (Kano) 25 May 1962; 486 UNTS 103 (1962 African Migratory Locust Convention)

Convention on the Liability of Operators of Nuclear Ships (Brussels) 25 May 1962, not in force, 57 American Journal of International Law 268 (1963)

**1963**

Act Regarding Navigation and Economic Co-operation Between the States of the Niger Basin (Niamey) 26 October 1963, in force 1 February 1966, 587 UNTS 9 (1963 Niger Basin Act)

Agreement Concerning the International Commission for the Protection of the Rhine Against Pollution (Berne) 29 April 1963, in force 1 May 1965, 994 UNTS 3 (amended Bonn, 3 December 1976, IELMT 976:91) (1963 Rhine Convention)

Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (Rome) 3 December 1963, in force 15 December 1964, 1 SMTE 190 (1963 South West Asia Locust Agreement)

Convention on Civil Liability for Nuclear Damage (Vienna) 29 May 1963, in force 12 November 1977, 1063 UNTS 265 (1963 Vienna Convention)

Nordic Mutual Emergency Assistance Agreement in Connection with Radiation Accidents, 17 October 1963, 525 UNTS 75

OECD Agreement Supplementary to the Paris Convention of 1960 on Third Party Liability in the Field of Nuclear Energy (Brussels) 31 January 1963, in force 4 December 1974, 1041 UNTS 358 (as amended by 1964 Protocol) (1963 Brussels Supplementary Convention)

Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (Moscow) 5 August 1963, in force 10 October 1963, 480 UNTS 43 (1963 Nuclear Test Ban Treaty)

**1964**

Agreement Concerning the Niger River Commission and the Navigation and Transport on the River Niger (Niamey) 25 November 1964, in force 12 April 1966, 587 UNTS 21

**1966**

Belgium–France Convention on Radiological Protection Relating to the Installations at the Ardennes Nuclear Power Station, 23 September 1966, 988 UNTS 288

International Convention for the Conservation of Atlantic Tunas (Rio de Janeiro) 14 May 1966, in force 21 March 1969, 37 UNTS 63 (1966 Atlantic Tuna Convention)

International Convention on Load Lines (London) 5 April 1966, in force 21 July 1968, 640 UNTS 133 (Protocol of 11 November 1988, in force 3 February 2000)

International Covenant on Civil and Political Rights, 16 December 1966, in force 23 March 1976, Annex to UNGA Res. 2200 (XXI), 6 ILM 368 (1967) (1966 ICCPR)

International Covenant on Economic, Social and Cultural Rights, 16 December 1966, in force 3 January 1976, Annex to UNGA Res. 2200 (XXI), 6 ILM 360 (1967) (1966 ICESCR)



**xlv** | **Table of Treaties and Other International Instruments**

**1967**

Agreement Between France and Belgium on Radiological Protection Concerning the Installations of the Nuclear Power Station of the Ardennes, 7 March 1967, 588 UNTS 227

Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlatelolco) 14 February 1967, in force 22 April 1968, 6 ILM 52 (1967)

Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (London, Moscow, Washington) 27 January 1967, in force 10 October 1967, 610 UNTS 205 (1967 Outer Space Treaty)

**1968**

African Convention on the Conservation of Nature and Natural Resources (Algiers) 15 September 1968, in force 9 October 1969, 1001 UNTS 3 (1968 African Nature Convention); revised version agreed Maputo, 11 July 2003, not in force (see also 2003 Revised African Nature Convention)

Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Brussels) 27 September 1968, in force 1 February 1973, 8 ILM 229 (1969)

European Convention for the Protection of Animals During International Transport (Paris) 13 December 1968, IELMT 968:92; Protocol (Strasbourg) 10 May 1979, ETS No. 103; revised Chisinau, 6 November 2003, in force 14 March 2006, OJ L241, 13 July 2004

European Convention on the Restriction of the Use of Certain Detergents in Washing and Cleaning Products (Strasbourg) 16 September 1968, in force 16 February 1971, 788 UNTS 181

Treaty on the Non-Proliferation of Nuclear Weapons (London, Moscow, Washington) 1 July 1968, in force 5 March 1970, 729 UNTS 161 (1968 Non-Proliferation Treaty)

**1969**

Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances (Bonn) 9 June 1969, in force 9 August 1969, 704 UNTS 3 (1969 Bonn Agreement)

American Convention on Human Rights (San José) 22 November 1969, in force 18 July 1978, 9 ILM 673 (1970) (1969 ACHR)

Convention on the Law of Treaties (Vienna) 23 May 1969, in force 27 January 1980, 8 ILM 679 (1969) (1969 Vienna Convention)

European Convention on the Protection of the Archaeological Heritage (London) 6 May 1969, in force 20 November 1970, 788 UNTS 227

FAO Convention on the Conservation of the Living Resources of the South-East Atlantic (Rome) 23 October 1969, in force 24 October 1971, 801 UNTS 101 (1969 South-East Atlantic Convention)

International Convention on Civil Liability for Oil Pollution Damage (Brussels) 29 November 1969, in force 19 June 1975, 973 UNTS 3 (1969 CLC)

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Damage (Brussels) 29 November 1969, in force 6 May 1975, 9 ILM 25 (1970) (1969 Intervention Convention)

**1970**

Benelux Convention on the Hunting and Protection of Birds (Brussels) 10 June 1970, in force 1 July 1972, 847 UNTS 255 (1970 Benelux Birds Convention)

Patent Co-operation Treaty (Washington), 19 June 1970, in force 24 January 1978, 9 ILM 978

**xlvi Table of Treaties and Other International Instruments**

**1971**

Agreement Concerning International Patent Classification (Strasbourg) 24 March 1971, in force 7 October 1975, UKTS 113 (1975) Cmnd 6238

Convention Concerning Protection Against Hazards of Poisons Arising from Benzene (Geneva) 23 June 1971, in force 27 July 1973 (1971 ILO Benzene Convention)

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Brussels) 18 December 1971, in force 16 October 1978, 11 ILM 284 (1972) (1971 Oil Pollution Fund Convention)

Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar) 2 February 1971, in force 21 December 1975, 996 UNTS 245 (1971 Ramsar Convention); Protocol, 3 December 1982, in force 10 October 1986, 22 ILM 698 (1982); Amendments to Articles 6 and 7, 28 May 1987, 1 May 1994, IELMT 997:9/13

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, 11 February 1971, in force 18 May 1972, 955 UNTS 115 (1971 Nuclear Weapons Treaty)

**1972**

Agreement Between the United States and Canada Concerning the Water Quality of the Great Lakes (Ottawa) 15 April 1972, in force 25 April 1972, 11 ILM 694 (1972)

Convention for the Conservation of Antarctic Seals (London) 1 June 1972, in force 11 March 1978, 11 ILM 251 (1972) (1972 Antarctic Seals Convention)

Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (Oslo) 15 February 1972, in force 7 April 1974, 932 UNTS 3 (1972 Oslo Convention)

Convention for the Protection of Birds and Birds in Danger of Extinction and Their Environment (Japan-US) (Tokyo) 4 March 1972, 25 UST 3329

Convention for the Protection of the World Cultural and Natural Heritage (Paris) 16 November 1972, in force 17 December 1975, 27 UST 37, 11 ILM 1358 (1972) (1972 World Heritage Convention)

Convention on International Liability for Damage Caused by Space Objects (London, Moscow, Washington) 29 March 1972, in force 1 September 1972, 961 UNTS 187 (1972 Space Liability Convention)

Convention on the International Regulations for Preventing Collisions at Sea (London) 20 October 1972, in force 15 July 1977, UKTS 77 (1977) Cmnd 6962

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London, Mexico City, Moscow, Washington) 29 December 1972, in force 30 August 1975, 1046 UNTS 120 (1972 London Convention)

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons, and on Their Destruction (London, Washington, Moscow) 10 April 1972, in force 28 March 1975, 1015 UNTS 163 (1972 Biological and Toxic Weapons Convention)

**1973**

Agreement Concerning the Permanent and Definitive Solution to the International Problems of the Salinity of the Colorado River, 30 August 1973, 915 UNTS 203

Agreement on the Conservation of Polar Bears (Oslo) 15 November 1973, in force 26 May 1976, 13 ILM 13 (1974) (1973 Polar Bears Agreement)

**xlvii | Table of Treaties and Other International Instruments**

Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts (Gdansk) 13 September 1973, in force 28 July 1974, 12 ILM 1291 (1973) (1973 Baltic Sea Convention). Amendment Protocol (Warsaw) 11 November 1982, in force 10 February 1984, 22 ILM 704

Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington) 3 March 1973, in force 1 July 1975, 993 UNTS 243 (1973 CITES); Protocol (Bonn) 27 June 1979, in force 13 April 1987; Protocol (Gaborone) 30 April 1983, not in force

Convention on the Conservation of the Living Resources of the Southeast Atlantic (Rome) 23 October 1969, in force 24 October 1971, 801 UNTS 101

Convention on the Grant of European Patents (Munich) 5 October 1973, in force 7 October 1977, 13 ILM 270 (1974)

International Convention for the Prevention of Pollution by Ships (London) 2 November 1973, not in force, 12 ILM 1319 (1973) (MARPOL 73) (see also MARPOL 73/78)

Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil (London) 2 November 1973, in force 30 March 1983, UKTS 27 (1983) Cmnd 8924 (1973 Intervention Protocol)

Treaty Concerning La Plata River and its Maritime Limits, 19 November 1973, 13 ILM 251 (1974)

**1974**

Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment (Tokyo) 6 February 1974, in force 30 April 1981, 1241 UNTS 385

Convention on the Prevention of Marine Pollution from Land-Based Sources (Paris) 4 June 1974, in force 6 May 1978, 13 ILM 352 (1974) (1974 Paris Convention)

Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki) 22 March 1974, in force 3 May 1980, 13 ILM 546 (1974) (1974 Helsinki Convention)

ILO Convention (No. 139) Concerning Prevention and Control of Occupational Hazards Caused by Carcinogenic Substances and Agents (Geneva) 26 June 1974, in force 10 June 1976, IELMT 974:48

International Convention for the Safety of Life at Sea (London) 1 November 1974, in force 25 May 1980, 1184 UNTS 2 (1974 SOLAS)

Nordic Convention on the Protection of the Environment (Stockholm) 19 February 1974, in force 5 October 1976, 13 ILM 511 (1974) (1974 Nordic Environmental Protection Convention)

**1975**

Convention on the Registration of Objects Launched to Outer Space, 14 January 1975, in force 15 September 1976, 28 UST 695 (1975 Outer Space Registration Convention)

**1976**

Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona) 16 February 1976, in force 12 February 1978, 15 ILM 290 (1976) (1976 Barcelona Convention)

Convention for the Protection of the Rhine River Against Chemical Pollution (Bonn) 3 December 1976, in force 1 February 1979, 1124 UNTS 375 (1976 Rhine Chemical Convention)

Convention on Conservation of Nature in the South Pacific (Apia) 12 June 1976, in force 28 June 1990, IELMT 976:45 (Apia Convention)

**xlviii Table of Treaties and Other International Instruments**

Convention on the Protection of the Rhine River Against Pollution by Chlorides (Bonn) 3 December 1976, in force 5 July 1985, 16 ILM 265 (1977) (1976 Rhine Chloride Convention)

European Convention for the Protection of Animals Kept for Farming Purposes (Strasbourg) 10 March 1976, in force 10 September 1978, UKTS 70 (1979) Cmnd 7684

Protocol for Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona) 16 February 1976, in force 12 February 1978 (1976 Barcelona Oil Pollution Protocol)

Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Barcelona) 16 February 1976, in force 12 February 1978 (1976 Barcelona Dumping Protocol)

**1977**

Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploration of Seabed Mineral Resources (London) 1 May 1977, not in force, 16 ILM 1450 (1977) (1977 CLC)

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (New York) 18 May 1977, in force 5 October 1978, 1108 UNTS 151 (1977 ENMOD Convention)

Denmark–Federal Republic of Germany Agreement Relating to Exchange of Information on Construction of Nuclear Installations Along the Border, 4 July 1977, 17 ILM 274 (1978)

ILO Convention Concerning the Protection of Workers Against Occupational Hazards in the Working Environment due to Air Pollution, Noise and Vibration (Geneva) 20 June 1977, in force July 1979, 28 IPE 335 (1977 Working Environment Convention)

Protocol I (Additional to the 1949 Geneva Conventions) Relating to the Protection of Victims of International Armed Conflicts (Geneva) 8 June 1977, in force 7 December 1978, 16 ILM 1391 (1977) (1977 Additional Protocol I)

Protocol II (Additional to the 1949 Geneva Conventions) Relating to the Protection of Victims of Non-International Armed Conflicts (Geneva) 8 June 1977, in force 7 December 1978, 16 ILM 1391 (1977) (1977 Additional Protocol II)

Treaty on the International Recognition of the Deposit of Micro-organisms for the Purpose of Patent Procedure (Budapest) 28 April 1977, in force 19 August 1980, 17 ILM 285 (1977)

**1978**

Agreement Between the United States and Canada on the Water Quality of the Great Lakes (Ottawa) 22 November 1978, in force 22 November 1978, 30 UST 1383 (1978 Great Lakes Water Quality Agreement); Protocol signed and in force 16 October 1983, TIAS 10798

Convention on Future Multilateral Co-operation in the North-West Atlantic Fisheries (Ottawa) 24 October 1978, in force 1 January 1979, 2 SMTE 60 (1978 North-West Atlantic Fisheries Convention)

Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations (Santiago) 16 June 1976, in force 30 June 1978, 15 ILM 1350 (1976)

Federal Republic of Germany and Luxembourg Agreement on the Exchange of Information in Case of Accidents which Could Have Radiological Consequences, 2 March 1978, 29 IPE 251

Kuwait Protocol Concerning Co-operation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency (Kuwait) 23 April 1978, in force 1 July 1979, 17 ILM 526 (1978) (1978 Kuwait Emergency Protocol)

**xlix** | **Table of Treaties and Other International Instruments**

Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (Kuwait) 23 April 1978, in force 1 July 1979, 1140 UNTS 133 (1978 Kuwait Convention)

Protocol Relating to the Convention for the Prevention of Pollution from Ships (London) 17 February 1978, in force 2 October 1983, 17 ILM 246 (1978) (MARPOL 73/78)

Treaty for Amazonian Co-operation (Brasilia) 3 July 1978, in force 2 February 1980, 17 ILM 1045 (1978) (1978 Amazonian Treaty)

**1979**

Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (New York) 5 December 1979, in force 11 July 1984, 18 ILM 1434 (1979) (1979 Moon Treaty)

Convention for the Conservation and Management of the Vicuna (Lima) 20 December 1979, in force 19 March 1982, IELMT 979:94 (1979 Vicuna Convention)

Convention on Long-Range Transboundary Air Pollution (Geneva) 13 November 1979, in force 16 March 1983, 18 ILM 1442 (1979) (1979 LRTAP Convention)

Convention on the Conservation of European Wildlife and Natural Habitats (Berne) 19 September 1979, in force 1 June 1982, UKTS 56 (1982) Cmnd 8738 (1979 Berne Convention)

Convention on the Conservation of Migratory Species of Wild Animals (Bonn) 23 June 1979, in force 1 November 1983, 19 ILM 15 (1980) (1979 Bonn Convention)

South Pacific Forum Fisheries Convention (Honiara) 10 July 1978, in force 9 August 1979, IEL 979:57

**1980**

Agreement Between Spain and Portugal on Co-operation in Matters Affecting the Safety of Nuclear Installation in the Vicinity of the Frontier, 31 March 1980, in force 13 July 1981

Athens Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Resources (Athens) 17 May 1980, in force 17 June 1983, 19 ILM 869 (1980) (1980 Athens LBS Protocol)

Convention Creating the Niger Basin Authority (Faranah) 21 November 1980, in force 3 December 1982, IELMT 980:86

Convention on Future Multilateral Co-operation in the North-East Atlantic Fisheries (London) 18 November 1980, in force 17 March 1982, 2 SMTE 107 (1980 North-East Atlantic Fisheries Convention)

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 10 April 1980, 19 ILM 1523 (1980) (1980 Inhuman Weapons Convention)

Convention on the Conservation of Antarctic Marine Living Resources (Canberra) 20 May 1980, in force 7 April 1982, 19 ILM 841 (1980) (1980 CCAMLR)

Convention on the Physical Protection of Nuclear Material (Vienna and New York) 3 March 1980, in force 8 February 1987, 18 ILM 1419 (1979)

European Outline Convention on Transfrontier Co-operation Between Territorial Communities or Authorities (Madrid) 21 May 1980, in force 22 December 1981, ETS 106

**1981**

African Charter on Human and Peoples' Rights (Banjul) 27 June 1981, in force 21 October 1986, 21 ILM 59 (1982) (1981 African Charter)

## I Table of Treaties and Other International Instruments

Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbon or Other Harmful Substances in Cases of Emergency (Lima) 12 November 1981, in force 14 July 1986, IELMT 981:85

Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan) 23 March 1981, in force 5 August 1984, 20 ILM 746 (1981) (1981 Abidjan Convention)

Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (Lima) 12 November 1981, in force 19 May 1986, IELMT 981:85 (1981 Lima Convention)

ILO Convention Concerning Occupational Safety and Health and the Working Environment (Geneva) 22 June 1981, in force 11 August 1983, 2 SMTE 126 (1981 ILO Occupational Safety Convention)

Protocol Concerning Co-operation in Combating Pollution in Cases of Emergency (Abidjan) 23 March 1981, in force 5 August 1984, 20 ILM 756 (1981) (1981 Abidjan Emergency Protocol)

### 1982

Austria–Czechoslovakia Agreement on Questions of Common Interest in Relation to Nuclear Facilities, 18 November 1982, in force 1 June 1984, 1365 UNTS 273

Benelux Convention on Nature Conservation and Landscape Protection and Natural Resources (Brussels) 8 June 1982, in force 1 October 1983, 2 SMTE 163 (1982 Benelux Conservation Convention)

Convention for the Protection of Salmon in the North Atlantic Ocean (Reykjavik) 2 March 1982, in force 1 October 1983, OJ L378, 31 December 1982, 25 (1982 North Atlantic Salmon Conservation Convention)

Protocol Concerning Mediterranean Specially Protected Areas (Geneva) 3 April 1982, in force 23 March 1986, IELMT 982:26 (1982 Geneva SPA Protocol)

Protocol Concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Case of Emergency (Jeddah) 14 February 1982, in force 20 August 1985, IELMT 982:14 (1982 Jeddah Emergency Protocol)

Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah) 14 February 1982, in force 20 August 1985, 9 EPL 56 (1982) (1982 Jeddah Convention)

United Nations Convention on the Law of the Sea (Montego Bay) 10 December 1982, in force 16 November 1994, 21 ILM 1261 (1982) (1982 UNCLOS)

### 1983

Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances (Bonn) 13 September 1983, in force 1 September 1989, Misc 26 (1983) 9104

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias) 24 March 1983, in force 11 October 1986, 22 ILM 221 (1983) (1983 Cartagena Convention)

International Tropical Timber Agreement (Geneva) 18 November 1983, in force 1 April 1985, UN Doc. TD/TIMBER/II/Rev.1 (1984) (1983 ITTA)

Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region (Cartagena de Indias) 24 March 1983, in force 11 October 1986, 22 ILM 240 (1983) (1983 Cartagena Oil Spills Protocol)

Protocol for the Protection of the South East Pacific Against Pollution from Land Based Sources (Quito) 22 July 1983, in force 23 September 1986, IELMT 983:54

li | **Table of Treaties and Other International Instruments**

**1984**

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (London) 7 July 1978, in force 28 April 1984, UKTS 50 (1984) Cmnd 9266

Protocol for Long Term Financing of the Co-operative Programmes for Monitoring and Evaluating the Long-Range Transmission of Air Pollutants in Europe (EMEP) (Geneva) 28 September 1984, in force 28 January 1988, 2 SMTE 285 (1984 EMEP Protocol)

**1985**

Agreement of Co-operation Between the United States of America and the United Mexican States Regarding Pollution of the Environment Along the Inland International Boundary by Discharges of Hazardous Substances, 18 July 1985, in force 29 November 1985, 26 ILM 19 (1987)

Association of Southeast Asian Nations Agreement on the Conservation of Nature and Natural Resources (Kuala Lumpur) 9 July 1985, 15 EPL 64 (1985) (1985 ASEAN Agreement)

Convention for the Protection of the Ozone Layer (Vienna) 22 March 1985, in force 22 September 1988, 26 ILM 1529 (1985) (1985 Vienna Convention)

Convention for the Protection, Management and Development of the Marine and Coastal Environment of the East African Region (Nairobi) 21 June 1985, in force 30 May 1996, IELMT 985:46; amended 31 March 2010, not in force (1985 Nairobi Convention)

ILO Convention (No. 155) Concerning Occupational Health Services (Geneva) 22 June 1985, in force 17 February 1988, 2 SMTE 126

Protocol Concerning Co-operation in Combating Pollution in Cases of Emergency (Nairobi) 21 June 1985, in force 30 May 1996, IELMT 985:48 (1985 Nairobi Emergency Protocol)

Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region (Nairobi) 21 June 1985, 30 May 1996, IELMT 985:47 (1985 Nairobi Protocol)

Protocol to the 1979 Convention on LRTAP on the Reduction of Sulphur Emissions or Their Transboundary Fluxes by at Least 30 Per Cent (Helsinki) 8 July 1985, in force 2 September 1987, 27 ILM 1077 (1987) (1985 LRTAP Sulphur Protocol)

South Pacific Nuclear Free Zone Treaty (Rarotonga) 6 August 1985, in force 11 December 1986, 24 ILM 1142 (1985) (1985 Rarotonga Treaty)

**1986**

Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (Canberra) 20 October 1986, in force 1 September 1988, 1535 UNTS 273

Canada-US Agreement Concerning the Transboundary Movement of Hazardous Waste (Ottawa) 28 October 1986, in force 8 November 1986, TIAS 11099

Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea) 25 November 1986, in force 22 August 1990, 26 ILM 38 (1987) (1986 Noumea Convention)

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Vienna) 26 September 1986, in force 26 February 1987, 25 ILM 1377 (1986) (1986 IAEA Assistance Convention)

Convention on Early Notification of Nuclear Accidents (Vienna) 26 September 1986, in force 27 October 1986, 25 ILM 1370 (1986) (1986 Notification Convention)

**iii Table of Treaties and Other International Instruments**

ILO Convention (No. 162) Concerning Safety in the Use of Asbestos (Geneva) 24 June 1986, in force 16 June 1989, 2 SMTE 359 (1986 ILO Asbestos Convention)

Mexico–United States Agreement for Co-operation on Environmental Programmes and Transboundary Problems (Washington) 12 November 1986, in force 29 January 1987, 26 ILM 25 (1987)

Protocol Concerning Co-operation in Combating Pollution Emergencies (Noumea) 25 November 1986, in force 22 August 1990, IELMT 986:87B (1986 Noumea Pollution Emergencies Protocol)

Protocol for the Prevention of Pollution of the South Pacific Region by Dumping (Noumea) 25 November 1986, in force 22 August 1990, IELMT 986:87A (1986 Noumea Dumping Protocol)

**1987**

Agreement on the Action Plan for the Environmentally Sound Management of the Common Zambezi River System (Harare) 28 May 1987, in force 28 May 1987, 27 ILM 1109 (1987 Zambezi Action Plan Agreement)

Finland and USSR Agreement on Early Notification of a Nuclear Accident and on Exchange of Information Relating to Nuclear Facilities, 7 January 1987, IAEA LegSer No. 15

Protocol on Substances that Deplete the Ozone Layer (Montreal) 16 September 1987, in force 1 January 1989, 26 ILM 154 (1987) (1987 Montreal Protocol)

**1988**

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (San Salvador) 17 November 1988, 16 November 1999, 28 ILM 161 (1989), OAS Treaty Series 69

Canada-US Free Trade Agreement (Ottawa) 2 January 1988, in force 1 January 1989, 27 ILM 281 (1988)

Convention Concerning Safety and Health in Construction (Geneva) 20 June 1988, in force 11 January 1991, 2 SMTE 440

Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Lugano) 16 September 1988, in force 1 January 1992, OJ L319, 25 November 1988

Convention on the Regulation of Antarctic Mineral Resource Activities (Wellington) 2 June 1988, not in force, 27 ILM 868 (1988) (1988 CRAMRA)

Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (Vienna) 21 September 1988, in force 27 April 1992, 42 Nuclear Law Bulletin 56 (1988) (1988 Joint Protocol)

Protocol Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes (Sofia) 31 October 1988, in force 14 February 1991, 28 ILM 214 (1988) (1988 NO<sub>x</sub> Protocol)

Sweden-USSR Agreement on Early Notification of a Nuclear Accident and on Exchange of Information Relating to Nuclear Facilities, 1 January 1988, IAEA LegSer No. 15

**1989**

African, Caribbean and Pacific States-European Community: Fourth Lomé Convention (Lomé) 15 December 1989, in force 1 September 1991, 29 ILM 783 (1990) (1989 Lomé Convention)

Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani, Papua New Guinea) 22 March 1989, in force 21 October 2001, 2161 UNTS 91 (1989 Waigani Convention)



liii **Table of Treaties and Other International Instruments**

Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific (Wellington)  
 24 November 1989, in force 17 May 1991, 29 ILM 1454 (1990) (1989 Wellington Convention)

Convention on Civil Liability for Damage Caused During Carriage of Dangerous Goods by Road, Rail  
 and Inland Navigation Vessels (Geneva) 10 October 1989, not in force, UN Doc. ECE/TRANS/79  
 (1989 CRTD)

Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal (Basel)  
 22 March 1989, in force 5 May 1992, 28 ILM 657 (1989) (1989 Basel Convention)

Convention on the Rights of the Child (New York) 20 November 1989, in force 2 September 1990, 29 ILM  
 1340 (1990)

International Convention on Salvage (London) 28 April 1989, in force 6 September 1991, IMO/LEG/Conf.7/  
 27

Protocol Concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf  
 (Kuwait) 29 March 1989, in force 17 February 1990 (1989 Kuwait Exploration Protocol)

Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South-East  
 Pacific (Paipa) 21 September 1989, in force 1994, IELMT 989:71 (1989 Paipa SPA Protocol)

Protocol for the Protection of the South-East Pacific Against Radioactive Contamination (Paipa)  
 21 September 1989, in force 25 January 1995, IELMT 989:70 (1989 Paipa Radioactive Contamination  
 Protocol)

**1990**

Adjustments and Amendments to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer  
 (London) 29 June 1990, in force 10 August 1992, 30 ILM 537 (1991) (1990 Montreal Amendments and  
 Adjustments)

Agreement Establishing the European Bank for Reconstruction and Development (London) 29 May 1990, in  
 force 1991, 29 ILM 1077 (1990)

Agreement on Conservation of Seals in the Wadden Sea Area (Bonn) 16 October 1990, in force 1 October  
 1991

Convention of the International Commission for the Protection of the Elbe (Magdeburg) 8 October 1990,  
 IELMT 990:75

ILO Convention (No. 170) Concerning Safety in the Use of Chemicals at Work (Geneva) 25 June 1990, in  
 force 4 November 1993, 1753 UNTS 189

International Convention on Oil Pollution Preparedness, Response and Co-operation (London) 30 November  
 1990, in force 13 May 1995, 30 ILM 733 (1991) (1990 Oil Pollution Preparedness Convention)

Protocol Concerning Pollution from Land-Based Sources (Kuwait) 20 February 1990, in force 2 January  
 1993 (1990 Kuwait LBS Protocol)

Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean Region (Kingston)  
 18 January 1990, in force 18 June 2000, 1 Yearbook of International Environmental Law 441 (1990) (1990  
 Kingston SPA Protocol)

**1991**

Agreement Between the Government of the United States of America and the Government of Canada on Air  
 Quality (Ottawa) 13 March 1991, in force 13 March 1991, 30 ILM 676 (1991)

**liv Table of Treaties and Other International Instruments**

Agreement on the Conservation of Populations of European Bats (London) 4 December 1991, in force 16 January 1994, 1863 UNTS 101

Convention on Environmental Impact Assessment in a Transboundary Context (Espoo) 25 February 1991, in force 10 September 1997, 30 ILM 802 (1991) (1991 Espoo Convention); as amended by Decision II/14 (27 February 2001) and Decision III/7 (4 June 2004, not in force, C.N.1143.2004. TREATIES-1)

Convention on the Ban of Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (Bamako) 29 January 1991, in force 22 April 1998, 30 ILM 775 (1991) (1991 Bamako Convention)

Convention on the Protection of the Alps (Salzburg) 7 November 1991, 6 March 1995, 1917 UNTS 135 (1992) (1991 Alpine Convention)

Protocol on Environmental Protection to the Antarctic Treaty (Madrid) 4 October 1991, in force 14 January 1998, 30 ILM 1461 (1991) (1991 Madrid Protocol)

Protocol on the Control of Emissions of Volatile Organic Compounds and Their Transboundary Fluxes (Geneva) 18 November 1991, in force 29 September 1997, 31 ILM 568 (1992)

Treaty Establishing the African Economic Community (Abuja) 3 June 1991, in force 12 May 1994, 30 ILM 1241 (1991)

**1992**

Adjustments and Amendments to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (Copenhagen) 23–25 November 1992, in force 19 June 1994, 32 ILM 874 (1993)

Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (New York) 17 March 1992, in force 29 March 1994, 1772 UNTS 217 (1992 ASCOBANS); amended Esbjerg, 22 August 2003, in force 3 February 2008

Agreement on the European Economic Area (Oporto) 2 May 1992, in force 1 January 1994, 1801 UNTS 3 (1992 EEA Agreement)

Agreement on the North Atlantic Marine Mammals Conservation Organization (NAMMCO) (Nuuk, Greenland) 9 April 1992, in force 7 July 1992, 1945 UNTS 3

Convention for the Conservation of Anadromous Fish Stocks in the North Pacific Ocean (Moscow) 11 February 1992, in force 16 February 1993, TIAS No. 11465

Convention for the Protection of the Marine Environment of the North-East Atlantic (Paris) 22 September 1992, in force 25 March 1998, 32 ILM 1068 (1993) (1992 OSPAR Convention)

Convention on Biological Diversity (Rio de Janeiro) 5 June 1992, in force 29 December 1993, 31 ILM 822 (1992) (1992 Biodiversity Convention)

Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki) 17 March 1992, in force 6 October 1996, 31 ILM 1312 (1992) (1992 Watercourses Convention)

Convention on the Protection of the Black Sea Against Pollution (and Protocols) (Bucharest) 21 April 1992, in force 15 January 1994, 32 ILM 1101 (1992) (1992 Black Sea Convention)

Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki) 9 April 1992, in force 17 January 2000, BNA 35: 0401 (1992 Baltic Sea Convention)

#### iv Table of Treaties and Other International Instruments

International Convention on Civil Liability for Oil Pollution Damage (Brussels) 27 November 1992, in force 30 May 1996, IMO LEG/CONF.9.15 (1992 CLC)

North American Free Trade Agreement (Washington, Ottawa, Mexico City) 17 December 1992, in force 1 January 1994; 32 ILM 289 (1993) and 32 ILM 605 (1993) (NAFTA)

Protocol to Amend the 1971 Oil Pollution Fund Convention (London) 27 November 1992, in force 30 May 1996, BNA 21: 1751 (1992 Oil Pollution Fund Protocol)

UNECE Convention on the Transboundary Effects of Industrial Accidents (Helsinki) 17 March 1992, in force 19 April 2000, 31 ILM 1330 (1992) (1992 Industrial Accidents Convention)

United Nations Framework Convention on Climate Change (New York) 9 May 1992, in force 24 March 1994, 1771 UNTS 107 (1992 Climate Change Convention)

#### 1993

Agreement Concerning the Establishment of a Border Environment Co-operation Commission and a North American Development Bank (Mexico City) 18 November 1993, in force 1 January 1994, 32 ILM 1545 (1993); 2372 UNTS 179

Agreement for the Establishment of the Indian Ocean Tuna Commission (Rome) 25 November 1993, in force 27 March 1996, 1927 UNTS 329

Agreement for the Establishment of the Near East Plant Protection Organization (Rabat) 18 February 1993, in force 8 January 2009, UNTS I – 46043

Agreement to Promote Compliance with International Conservation and Management Measures by Fishing on the High Seas, November 1993 (FAO Res. 15/93)

Convention for the Conservation of Southern Bluefin Tuna (Canberra) 10 May 1993, in force 30 May 1994, 1819 UNTS 360

Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano) 21 June 1993, not in force, 32 ILM 1228 (1993) (1993 Lugano Convention)

ILO Convention (No. 174) on the Prevention of Major Industrial Accidents (Geneva) 22 June 1993, in force 3 January 1996, 1967 UNTS 231 (1993 ILO Accidents Convention)

North American Agreement on Environmental Co-operation (Washington, Ottawa, Mexico City) 8, 9, 12, 14 September 1993, in force 1 January 1994, 32 ILM 1480 (1993)

#### 1994

Agreement Establishing the World Trade Organization (Marrakesh) 15 April 1994, in force 1 January 1995, 33 ILM 1125 (1994); 1867 UNTS 3 (WTO Agreement)

Agreement on the Trade-Related Aspects of Intellectual Property Rights (Marrakesh) 15 April 1994, in force 1 January 1995, 33 ILM 81 (1994 TRIPs Agreement)

Agreements on the Protection of the Rivers Meuse and Scheldt (Charleville Mézières) 26 April 1994, in force 1 March 1995, 34 ILM 851 (1995) (1994 Rivers Meuse and Scheldt Agreements)

Convention on Co-operation for the Protection and Sustainable Use of the Danube River (Sofia) 29 June 1994, in force 22 October 1998, ECOLEX TRE-001207 (1994 Danube Convention)

Convention on Nuclear Safety (Vienna) 20 September 1994, in force 24 October 1996, 33 ILM 1514 (1994 Nuclear Safety Convention)

**lvi Table of Treaties and Other International Instruments**

Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (Paris) 17 June 1994, in force 26 December 1996, 33 ILM 1328 (1994) (1994 Desertification Convention)

Energy Charter Treaty and Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects (Lisbon) 17 December 1994, in force 16 April 1998, 33 ILM 360 (1995)

International Tropical Timber Agreement (Geneva) 26 January 1994, in force 1 January 1997, 33 ILM 1014 (1994)

Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (Lusaka) 8 September 1994, in force 10 December 1996, UNEP Doc. No. 94/7929

Protocol for the Protection of the Mediterranean Sea Against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Madrid) 14 October 1994, not in force, ECOLEX TRE-001206 (1994 Mediterranean Offshore Protocol)

Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Further Reduction of Sulphur Emissions (Oslo) 14 June 1994, in force 5 August 1998, 33 ILM 1540 (1998) (1994 LRTAP Sulphur Protocol)

**1995**

Agreement for the Conservation of African-Eurasian Migratory Waterbirds (The Hague) 16 June 1995, in force 1 November 1999, 6 Yearbook of International Environmental Law 306 (1995)

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (New York) 4 December 1995, in force 11 December 2001, 34 ILM 1542 (1995) (1995 Fish Stocks Agreement)

Agreement on Co-operation for the Sustainable Development of the Mekong River Basin (Chiang Rai, Thailand) 5 April 1995

Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Geneva) 22 September 1995, not in force, Doc. UNEP/CHW.3/35 (1995 Basel Ban)

Protocol on Shared Watercourse Systems in the Southern African Development Community (Johannesburg) 28 August 1995, in force 29 September 1998 (1995 SADC Water Protocol)

**1996**

Agreement on the Conservation of the Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (Monaco) 24 November 1996, in force 1 June 2001, 36 ILM 777 (1997) (1996 ACCOBAMS)

Bangladesh/India Treaty on Sharing the Waters of the Ganges River (New Delhi) 12 December 1996, 36 ILM 519

Comprehensive Test Ban Treaty (New York) 24 September 1996, not in force, 35 ILM 1439 (1996)

India/Nepal Treaty on Sharing the Waters of the Mahakali River (New Delhi) 12 February 1996, 36 ILM 519

International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (London) 3 May 1996, not in force, 25 ILM 1406 (1996) (1996 HNS Convention)

**lvii | Table of Treaties and Other International Instruments**

Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and Their Disposal (Izmir) 1 October 1996, in force 19 December 2007, UN Doc. UNEP (OCA)/MED/IG.9/4 Annexes (1996) (1996 Mediterranean Hazardous Wastes Protocol)

Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London) 7 November 1996, in force 24 March 2006, 36 ILM 1 (1997) (1996 Protocol to the London Convention)

Treaty on the Nuclear-Weapon-Free Zone in Africa (Cairo) 1 April 1996, in force 15 July 2009, 35 ILM 698 (1996) (1996 Pelindaba Treaty)

**1997**

Amendment to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal) 17 September 1997, in force 10 November 1999, UNEP/OzL.Pro.9/12, Annex IV of the Report of the Ninth Meeting of the Parties

Convention on Supplementary Compensation for Nuclear Damage (Vienna) 12 September 1997, in force 17 April 2015, 36 ILM 1473 (1997) (1997 Supplementary Compensation Convention)

Convention on the Law of Non-Navigational uses of International Watercourses (New York) 21 May 1997, in force 17 August 2014, 36 ILM 700 (1997) (1997 Watercourses Convention)

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons (Paris) 13 January 1993, in force 29 April 1997, 32 ILM 800 (1993)

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Vienna) 5 September 1997, in force 18 June 2001, 36 ILM 1431 (1997) (1997 Joint Safety Convention)

Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage (Vienna) 12 September 1997, in force 4 October 2003, 36 ILM 1454 (1997) (Protocol to the 1963 Vienna Convention)

Protocol to the United Nations Framework Convention on Climate Change (Kyoto) 11 December 1997, in force 16 February 2005, 37 ILM 22 (1998) (1997 Kyoto Protocol)

**1998**

Convention on Access to Information, Public Participation and Decision-Making and Access to Justice in Environmental Matters (Aarhus) 25 June 1998, in force 30 October 2001, 38 ILM 517 (1999) (1998 Aarhus Convention)

Convention on Co-operation for the Protection and Sustainable Use of the Waters of the Luso-Spanish River Basins (Albufeira, Portugal) 30 November 1998, in force 17 January 2000, LEX-FAOC022759, Boletín Oficial del Estado, No. 37, 12 February 2000, 6703

Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam) 11 September 1998, in force 24 February 2004, 38 ILM 1 (1999) (1998 Chemicals Convention)

Convention on the Protection of the Environment through Criminal Law (Strasbourg) 4 November 1998, not in force, 38 ILM 259 (1999)

Protocol on the Control of Marine Transboundary Movements and Disposals of Hazardous Wastes (Kuwait) 17 March 1998, in force 26 November 2001, 2417 UNTS I – 43614 (1998 Hazardous Wastes Protocol)

**lviii Table of Treaties and Other International Instruments**

Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Heavy Metals (Aarhus) 24 June 1998, in force 29 December 2003 (1998 LRTAP Heavy Metals Protocol)

Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (Aarhus) 24 June 1998, in force 23 October 2003, 37 ILM 505 (1998) (1998 LRTAP POPs Protocol)

**1999**

Amendment to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (Beijing) 3 December 1999, in force 25 February 2002, 2173 UNTS 183

Convention on the Protection of the Rhine (Berne) 12 April 1999, OJ L289, 16 November 2000, 30, in force 16 November 2000 (1999 Rhine Convention)

Protocol Concerning Pollution from Land-Based Sources and Activities to the Cartagena Convention (Oranjestad, Aruba) 6 October 1999, in force 13 August 2010 (1999 LBS Protocol)

Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and Their Disposal (Basel) 10 December 1999, not in force, UNEP/CHW.5/29, Annex III (1999 Basel Liability Protocol)

Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (London) 17 June 1999, in force 4 August 2005, 38 ILM 1708 (1999) (1999 Health Protocol)

Protocol to the 1979 Convention on Long Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone (Gothenburg) 30 November 1999, in force 17 May 2005, UN Doc. EB.AIR/1999 (1999 LRTAP Acidification Protocol)

Wildlife Conservation and Law Enforcement Protocol to the Treaty Establishing the Southern African Development Community (Maputo) 18 August 1999, in force 30 November 2003

**2000**

Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Western Region, November 2000, in force 25 February 2002, [www.fao.org/legal/treaties/031t-e.htm](http://www.fao.org/legal/treaties/031t-e.htm)

Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Montreal) 29 January 2000, in force 11 September 2003, 39 ILM 1027 (2000 Biosafety Protocol)

Cotonou Agreement (Cotonou, Benin) 23 June 2000, in force April 2003, OJ L209, 11 August 2005; first revision June 2005 (in force 1 July 2008); second revision June 2010 (provisional application from 1 November 2010)

European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (Geneva) 26 May 2000, in force February 2008, 2497 UNTS 3

European Landscape Convention (Florence) 20 October 2000, in force 1 March 2004, ETS 176

Protocol to the OPRC Convention on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances (London) 15 March 2000, in force 14 June 2007 (2000 OPRC-HNS Protocol)

Revised Protocol on Shared Watercourses in the Southern African Development Community (Windhoek) 7 August 2000, in force 22 September 2003, 40 ILM 321 (2001) (2000 SADC Revised Water Protocol)

**lix | Table of Treaties and Other International Instruments**

**2001**

Agreement on the Conservation of Albatrosses and Petrels (Canberra) 19 June 2001, in force 1 February 2004, 2258 UNTS 257

Convention of the African Energy Commission (Lusaka, Zambia) 11 July 2001, in force 13 December 2006, [www.au.int/en/content/convention-african-energy-commission](http://www.au.int/en/content/convention-african-energy-commission) (2001 African Energy Commission Convention)

Convention on Persistent Organic Pollutants (Stockholm) 22 May 2001, in force 17 May 2004, 40 ILM 532 (2001) (2001 POPs Convention)

Convention on the Conservation and Management of the Fishery Resources in the Southeast Atlantic Ocean (Windhoek) 20 April 2001, in force April 2003, 2221 UNTS 189 (2001 Southeast Atlantic Fisheries Convention)

Convention on the Protection of the Underwater Cultural Heritage (Paris) 6 November 2001, in force 2 January 2009, 41 ILM 40 (2002)

ILO Convention on Safety and Health in Agriculture, adopted by the International Labour Conference at its 89th Session (Geneva), 21 June 2001, 2227 UNTS 241

IMO International Convention on Civil Liability for Bunker Oil Pollution Damage (London) 27 March 2001, in force 21 November 2008, 40 ILM 1493 (2001)

International Convention on the Control of Harmful Anti-Fouling Systems on Ships (London) 5 October 2001, in force 17 September 2008, AFS/CONF/26

International Treaty on Plant Genetic Resources for Food and Agriculture (Rome) 3 November 2001, in force 29 June 2004, [www.planttreaty.org/index\\_en.htm](http://www.planttreaty.org/index_en.htm) (2001 Treaty on Plant Genetic Resources)

**2002**

Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, 5 September 2002, in force 19 June 2004, 40 ILM 277 (2001)

Convention for Co-operation in the Protection and Sustainable Development of the Marine and Coastal Environment of the North-East Pacific (Antigua) 18 February 2002, in force 26 August 2010 (2002 North-East Pacific Convention)

**2003**

African Convention on the Conservation of Nature and Natural Resources (Revised Version) (Maputo) 11 July 2003, not in force, [www.au.int/en/content/african-convention-conservation-nature-and-natural-resources-revised-version](http://www.au.int/en/content/african-convention-conservation-nature-and-natural-resources-revised-version) (2003 Revised African Nature Convention)

Amendments to Articles 25 and 26 of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Madrid) 28 November 2003, in force 6 February 2013, Doc. ECE/MP.WAT/14

ASEAN Agreement on Transboundary Haze Pollution (Kuala Lumpur) 10 June 2002, in force 25 November 2003, <http://haze.asean.org/docs/1128506236/ASEANAgreementonTransboundaryHazePollution.pdf/view> (2002 ASEAN Transboundary Haze Pollution Agreement)

Convention on the Sustainable Management of the Lake Tanganyika (Dar es Salaam) 12 June 2003, in force 23 August 2005 (2003 Lake Tanganyika Convention)

European Convention for the Protection of Animals During International Transport (Revised) (Chisinau) 6 November 2003, in force 14 March 2006, CETS 193

**ix Table of Treaties and Other International Instruments**

Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran)  
 4 November 2003, in force 12 August 2006, 44 ILM 1 (2003 Tehran Convention)

Framework Convention on the Protection and Sustainable Development of the Carpathians (Kiev) 27 May 2003,  
 in force 4 January 2006, [www.carpathianconvention.org/documents.htm](http://www.carpathianconvention.org/documents.htm) (2003 Carpathians Convention)

Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effect of Industrial  
 Accidents on Transboundary Waters to the 1992 Convention on the Protection and Use of Transboundary  
 Watercourses and International Lakes and to the 1992 Convention on the Transboundary Effects of  
 Industrial Accidents (Kiev) 21 May 2003, not in force, Doc. ECE/MP.WAT/11-ECE/CP.TEIA/9

Protocol on Pollutant Release and Transfer Registers to the Aarhus Convention (Kiev) 21 May 2003, in force  
 8 October 2009, UN Doc. MP.PP/2003/1 (2003 Pollutant Release Protocol)

Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment  
 in a Transboundary Context (Kiev) 21 May 2003, in force 11 July 2010, UN Doc. ECE/MP.EIA/2003/2 (2003  
 SEA Protocol)

Protocol to the International Convention on the Establishment of an International Fund for Compensation  
 for Oil Pollution Damage (London) 16 May 2003, in force 3 March 2005, 92FUND/A.8/4, Annex I

United States-Panama Agreement Regarding a Debt for Nature Swap, with attachments (Panama City)  
 10 July 2003, 42 ILM 1505

**2004**

International Convention for the Control and Management of Ships' Ballast Water and Sediments (London)  
 13 February 2004, in force 8 September 2017, IMO Doc. BWM/CONF/36

Protocol to amend the Convention of 31 January 1963 Supplementary to the Paris Convention of 29 July  
 1960 on Third Party Liability in the Field of Nuclear Energy (Paris) 12 February 2004, not in force,  
[www.oecd-nea.org/law/paris\\_convention.pdf](http://www.oecd-nea.org/law/paris_convention.pdf)

**2005**

Agreement on the Establishment of the ASEAN Centre for Biodiversity (Bangkok) 12 September 2005, in  
 force 8 July 2009, [www.aseansec.org/acb\\_copy.pdf](http://www.aseansec.org/acb_copy.pdf)

Amendment to the Aarhus Convention on Public Participation in Decisions on Deliberate Release into the  
 Environment and Placing on the Market of Genetically Modified Organisms (Almaty) 27 May 2005, not in  
 force, Decision II/1, ECE/MP.PP/2005/2/Add.2

Amendment to the Convention on the Physical Protection of Nuclear Material (Vienna) 8 July 2005,  
[www.iaea.org/Publications/Documents/Conventions/cppnm\\_amend\\_status.pdf](http://www.iaea.org/Publications/Documents/Conventions/cppnm_amend_status.pdf)541

Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty, Liability Arising from  
 Environmental Emergencies (Stockholm) 17 June 2005, not in force, 45 ILM 5

Protocol Concerning the Conservation of Biological Diversity and the Establishment of Network of  
 Protected Areas in the Red Sea and Gulf of Aden (Jeddah) 12 December 2005, not in force, [www.persga.org/  
 Documents/Doc\\_62\\_20090211123942.pdf](http://www.persga.org/Documents/Doc_62_20090211123942.pdf)

Treaty Establishing the Energy Community (Athens) 25 October 2005, in force 1 July 2006, 2734 UNTS 3

Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa and to  
 Establish the Central African Forests Commission (Brazzaville) 5 February 2005, in force, [www.comifac.org/  
 comifac/comifac/la-comifac-1/trity](http://www.comifac.org/comifac/comifac/la-comifac-1/trity)



**lxi | Table of Treaties and Other International Instruments**

**2006**

Agreement between the Government of Australia and the Government of the Republic of Korea on the Protection of Migratory Birds (Canberra) 6 December 2006, in force 13 July 2007, 2483 UNTS 459

Amendments to Annex I of the Convention on the Transboundary Effects of Industrial Accidents (Rome) 17 November 2006, in force 19 March 2008, Doc ECE/CP.TEIA/15/Add.1

Amendment to Annex B of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Nairobi) 17 November 2006, amendment not in force, Doc. Decision 10/CMP/2

Framework Convention for the Protection of the Environment for Sustainable Development in Central Asia (Ashkhabad, Turkmenistan) 22 November 2006, [http://ekh.unep.org/ISDC09/ISDC\\_210607/docs/01\\_preservation%20of%20the%20environment\\_ru.doc](http://ekh.unep.org/ISDC09/ISDC_210607/docs/01_preservation%20of%20the%20environment_ru.doc) (2006 Central Asian Sustainable Development Framework Convention)

International Tropical Timber Agreement (Geneva) 27 January 2006, in force 7 December 2011, TD/TIMBER.3/12, OJ L262, 9 October 2007, 8 (2006 ITTA)

Southern Indian Ocean Fisheries Agreement (Rome) 7 July 2006, in force 10 March 2011, OJ L196, 18 July 2006, 15 (2006 Southern Indian Ocean Fisheries Agreement)

**2007**

Agreement on the Conservation of Gorillas and Their Habitats (Paris) 26 October 2007, in force 1 June 2008

Nairobi International Convention on the Removal of Wrecks (Nairobi) 19 November 2007, in force 23 May 2007, 46 ILM 697

**2008**

Convention on Cluster Munitions (Dublin) 30 May 2008, in force 1 August 2010, 2688 UNTS 39

Multilateral Agreement Among the Countries of South-Eastern Europe for Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Bucharest) 20 May 2008, in force 25 February 2011, [www.unece.org/env/eia/documents/bucharest/SEE\\_multilateral\\_agreement\\_final.pdf](http://www.unece.org/env/eia/documents/bucharest/SEE_multilateral_agreement_final.pdf)

Protocol on Integrated Coastal Zone Management in the Mediterranean (Madrid) 21 January 2008, in force 24 March 2011, [http://ioc-unesco.org/components/com\\_oe/oe.php?task=download&tid=11615&version=1.0&lang=1&format=1](http://ioc-unesco.org/components/com_oe/oe.php?task=download&tid=11615&version=1.0&lang=1&format=1) (2008 Integrated Coastal Zone Management Protocol)

**2009**

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Rome) 22 November 2009, FAO/C 2009/LIM/11-Rev.1 (2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing)

Agreement on the Central Asian and Caucasus Regional Fisheries and Aquaculture Commission (Rome) 1 October 2009, in force 3 December 2010

Statute of the International Renewable Energy Agency (IRENA) (Bonn) 26 January 2009, in force 8 July 2010, 2700 UNTS 45

**2010**

Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety (Nagoya) 15 October 2010, not in force, BS VI-11 (2010 Nagoya-Kuala Lumpur Supplementary Protocol)

**ixii Table of Treaties and Other International Instruments**

Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities (Nairobi) 31 March 2010, not in force, UNEP (DEPI)/EAF/CPP.6/10/Suppl

Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity (Nagoya) 29 October 2010, in force 12 October 2014, C.N.782.2010.TREATIES-1 (2010 Nagoya Protocol)

Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (London) 30 April 2010, not in force (2010 HNS Protocol)

**2011**

Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents to the Framework Convention on the Protection of the Marine Environment of the Caspian Sea (Aktau) 12 August 2011, not in force, TC/COP3/3, Annex I

Protocol on Sustainable Forest Management to the Framework Convention on the Protection and Sustainable Development of the Carpathians (Bratislava) 27 May 2011, in force 21 October 2013, UNEP/CC/COP3

Protocol on Sustainable Tourism to the Framework Convention on the Protection and Sustainable Development of the Carpathians (Bratislava) 27 May 2011, in force 29 April 2013, UNEP/CC/COP3

**2012**

Additional Protocol to the Abidjan Convention Concerning Cooperation in the Protection and Development of Marine and Coastal Environment from Land-Based Sources and Activities in the Western, Central and Southern African Region, 22 June 2012, not in force (2012 Additional Protocol on Land-Based Sources)

Amendment to Annex III to the 1998 LRTAP Heavy Metals Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals (Geneva) 13 December 2012, in force 9 January 2014, C.N.711.2013.TREATIES-XXVII.1.f

Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Doha) 8 December 2012, not in force, C.N.718.2012.TREATIES-XXVII.7.c (Doha Amendment)

Convention on the Conservation and Management of High Seas Fisheries Resources in the North-Pacific Ocean (Tokyo) 24 February 2012, in force 19 July 2015

Food Assistance Convention, 25 April 2012 (London), in force 1 January 2013, 52 ILM 357 (2013)

Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Moscow) 12 December 2012, not in force, TC/COP4

Strasbourg Convention of 2012 on the Limitation of Liability in Inland Navigation (Strasbourg) 27 September 2012, not in force

**2013**

Agreement on Co-operation in the Field of Environmental Protection among Member-States of the Commonwealth of Independent States (Minsk) 31 May 2013

Amendments to Annex III of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Geneva) 10 May 2013, in force 10 August 2013, C.N.973.2013.TREATIES-XXVII.14

### lxiii Table of Treaties and Other International Instruments

Amendment to Annex A of the Stockholm Convention on Persistent Organic Pollutants (Geneva) 10 May 2013, in force 26 November 2014, C.N.934.2013.TREATIES-XXVII.15

Amendment to Annex IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Geneva) 10 May 2013, in force 27 May 2014 C.N.965.2013.TREATIES-XXVII.3

Benguela Current Convention between the Government of the Republic of Angola and the Government of the Republic of Namibia and the Government of the Republic of South Africa (Benguela) 18 March 2013, not in force

Minamata Convention on Mercury (Kumamoto) 10 October 2013, not in force, C.N.244.2015.TREATIES-XXVII.17 (2013 Minamata Mercury Convention)

#### 2014

Protocol for the Conservation of Biological Diversity to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Ashgabat) 30 May 2014, not in force, TC/COP5/11, Annex 3

Protocol on Sustainable Transport to the Framework Convention on the Protection and Sustainable Development of the Carpathians (Mikulov) 26 September 2014, not in force, UNEP/CC/COP4

#### 2015

Paris Agreement (Paris) 22 April 2016, in force 4 November 2016, C.N.92.2016.TREATIES-XXVII.7.d (2015 Paris Agreement)

## INTERNATIONAL INSTRUMENTS

### United Nations

#### 1972

1972 UN Conference on the Human Environment, Declaration of Principles, UN Doc. A/CONF.48/14/Rev.1

#### 1992

1992 Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26/Rev.1

Agenda 21, UN Doc. A/CONF.151/26/Rev.1 (vol. 1) (1993)

#### 2002

2002 World Sustainable Development Summit, Plan of Implementation, UN Doc. A/CONF.199/20, Res. 2

#### 2012

2012 Rio+20 Summit, The Future We Want, UNGA Res. 66/288

#### 2015

Transforming our world: the 2030 Agenda for Sustainable Development, 25 September 2015, UNGA Res. 70/1

## Abbreviations

AAU	assigned amount unit	CRAMRA	1988 Convention on the Regulation of Antarctic Mineral Resource Activities
ACAP	Arctic Council Action Plan [to Eliminate Pollution of the Arctic]	CRTD	1989 Geneva Convention on Civil Liability for Damage Caused During Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels
ACHR	1969 American Convention on Human Rights	CSCE	Conference on Security and Co-operation in Europe
ACP	African–Caribbean–Pacific	CSD	Commission on Sustainable Development
ADB	Asian Development Bank	CTE	Committee on Trade and the Environment [WTO]
ADR	1957 European Agreement Concerning the International Carriage of Goods by Road	CTS	<i>Consolidated Treaty Series</i>
AEPS	Arctic Environmental Protection Strategy	DPCIA	Dolphin Protection Consumer Information Act (US)
AIA	advance informed agreement	DR	<i>Decisions and Reports of the European Commission on Human Rights</i>
ASEAN	Association of Southeast Asian Nations	DSB	Dispute Settlement Body [WTO]
ASIL	American Society of International Law	DSU	Dispute Settlement Understanding [WTO]
ATCM	Antarctic Treaty Consultative Meeting	EBRD	European Bank for Reconstruction and Development
BFSP	<i>British and Foreign State Papers</i>	EC	European Community
BISD	<i>Basic Instruments and Selected Documents</i> [GATT]	ECA	Economic Commission for Africa [UN]
BIT	bilateral investment treaty	ECE	Economic Commission for Europe [UN]
CCAMLR	1980 Convention on the Conservation of Antarctic Marine Living Resources	ECHR	European Convention on Human Rights
CCSBT	1993 Convention for the Conservation of Southern Bluefin Tuna	ECJ	European Court of Justice
CDM	Clean Development Mechanism	ECOSOC	Economic and Social Council [UN]
CERs	certified emission reductions	ECR	<i>European Court Reports</i>
CFC	chlorofluorocarbon	ECSC	European Coal and Steel Community
CGIAR	Consultative Group on International Agricultural Research	EEA	European Economic Area
CITES	1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	EEC	European Economic Community
CLC	1969 Convention on Civil Liability for Oil Pollution	EEZ	exclusive economic zone
CMLR	<i>Common Market Law Reports</i>	EFTA	European Free Trade Area
Cmd	Command Paper [UK]	EGTT	Expert Group on Technology Transfer [WTO]
CO <sub>2</sub>	carbon dioxide	EHRR	<i>European Human Rights Reports</i>
COP	Conference of the Parties	EIA	environmental impact assessment
COPUOS	Committee on Peaceful Uses of Outer Space	EMEP	European Monitoring and Evaluation Programme [UNECE/UNEP/WMO]
		EMG	Environment Management Group [UN]

ixvi List of Abbreviations

EPA	Environmental Protection Agency [US]	ICSU	International Council for Scientific Unions
EPO	European Patent Office	IDA	International Development Association
EPPO	European and Mediterranean Plant Protection Organization	IDI	Institut de Droit International
ERU	emission reduction unit	IELMT	<i>International Environmental Legal Materials and Treaties</i>
ESC	1961 European Social Charter	IFC	International Finance Corporation
ESCAP	UN Economic and Social Commission on Asia and the Pacific	IFCS	Intergovernmental Forum on Chemical Safety [WHO]
ETS	<i>European Treaty Series</i>	ILA	International Law Association
EU	European Union	ILC	International Law Commission
EURATOM	European Atomic Energy Agency	ILM	<i>International Legal Materials</i>
FAO	Food and Agriculture Organization	ILO	International Labour Organization
FIELD	Foundation for International Environmental Law and Development	ILR	<i>International Law Reports</i>
FTA	free trade area	IMDG Code	International Maritime Dangerous Goods Code
GAOR	<i>General Assembly Official Records</i>	IMF	International Monetary Fund
GATS	General Agreement on Trade in Services	IMO	International Maritime Organization
GATT	General Agreement on Tariffs and Trade	INC/ FCCC	Intergovernmental Negotiating Committee for a Framework Convention on Climate Change
GEF	Global Environment Facility	INFOTERRA	International Referral System for Sources of Environmental Information [UNEP]
GEMS	Global Environmental Monitoring System	IOC	International Oceanographic Commission
GESAMP	Group of Experts on the Scientific Aspects of Marine Environmental Protection	IOPC Fund	International Oil Pollution Compensation Fund
GHS	Globally Harmonized System of Classification and Labelling of Chemicals	IOTC	Indian Ocean Tuna Commission
GMO	genetically modified organism	IPCC	Intergovernmental Panel on Climate Change
GPA	Global Programme of Action 1995 [for the Protection of the Marine Environment from Land-Based Activities]	IPE	B. Ruster and B. Simma, <i>International Protection of the Environment: Treaties and Related Documents</i> (vols. I–XXXI, 1975–83)
HCFC	hydrochlorofluorocarbon	IPOA–IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
HELCOM	Baltic Marine Environment Protection Commission	IRPTC	International Register of Potentially Toxic Chemicals
HNS	hazardous and noxious substances	ISAR	International Standards on Accounting and Reporting
IACSD	Inter-Agency Committee on Sustainable Development	ISO	International Standards Organization
IAEA	International Atomic Energy Agency	ITLOS	International Tribunal for the Law of the Sea
IATTC	Inter-American Tropical Tuna Commission	ITTA	International Tropical Timber Agreement
IBRD	International Bank for Reconstruction and Development	ITTC	International Tropical Timber Council
ICAs	International Commodity Agreements	ITTO	International Tropical Timber Organization
ICAO	International Civil Aviation Organization	IUCN	International Union for the Conservation of Nature
ICCAT	International Commission for the Conservation of Atlantic Tunas	IUU	illegal, unreported and unregulated fishing
ICCPR	1966 International Covenant on Civil and Political Rights	IWC	International Whaling Commission
ICES	International Council for the Exploration of the Sea	JARPA	Japanese Whale Research Programme under Special Permit in the Antarctic
ICESCR	International Covenant on Economic, Social and Cultural Rights 1966	LBS	land-based source
ICJ	International Court of Justice	LBSA	land-based sources and activities
ICRP	International Commission on Radiological Protection		
ICSID	International Centre for Settlement of Investment Disputes		

**lxvii** | **List of Abbreviations**

LDC	1972 London Dumping Convention	PARCOM	Commission of the 1974 Paris Convention for the Prevention of Marine Pollution from Land-Based Sources
LMO	living modified organism	PCA	Permanent Court of Arbitration
LMO-FFP	living modified organism intended for use as food or feed, or for processing	PCB	polychlorinated biphenyl
LNTS	<i>League of Nations Treaty Series</i>	PCIJ	Permanent Court of International Justice
LRTAP	long range transboundary air pollution	PIC	prior informed consent
LULUCF	land-use, land-use change and forestry	POP	persistent organic pollutant
MAI	multilateral agreement on investment	REDD/	reducing emissions from deforestation
MARPOL	International Convention for the Prevention of Pollution from Ships	REDD+	and forest degradation
MEA	multilateral environmental agreement	RFMO	regional fishery management organisation
MEPC	Marine Environment Protection Committee [IMO]	RIAA	<i>Reports of International Arbitral Awards</i>
MGA	melengestrol acetate	RID	1985 Regulations Concerning the International Carriage of Dangerous Goods by Rail
MIGA	Multilateral Investment Guarantee Agency	RMU	removal unit
MMPA	1972 Marine Mammal Protection Act [US]	ROPME	Regional Organization for the Protection of the Marine Environment
MOP	Meeting of the Parties	SADC	Southern African Development Community
MOU	Memorandum of Understanding	SCAR	Scientific Committee on Antarctic Research
MOX	mixed oxide	SCOR	<i>Security Council Official Records</i>
MPA	marine protected area	SDRs	special drawing rights
NAFO	North Atlantic Fisheries Organization	SEAFO	South-East Atlantic Fisheries Organization
NAFTA	North American Free Trade Agreement	SMTE	<i>Selected Multilateral Treaties on the Environment</i> (A. Kiss (ed.), vol. 1, 1983; I. Rummel-Bulska and S. Osafo (eds.), vol. 2, 1991)
NAMMCO	North Atlantic Marine Mammals Conservation Organization	SO <sub>2</sub>	sulphur dioxide
NAPE	National Agency for the Protection of the Environment [Denmark]	SOLAS	1974 Convention for the Safety of Life at Sea
NATO	North Atlantic Treaty Organization	SO <sub>x</sub>	oxides of sulphur
NEAFC	North-East Atlantic Fisheries Commission	SPA	specially protected areas
NGO	non-governmental organisation	SPREP	South Pacific Regional Environment Programme
NOX	nitrogen oxide	SPRFMO	South Pacific Regional Fisheries Management Organization
O <sub>3</sub>	ozone	SPS	sanitary and phytosanitary
OAS	Organization of American States	TAC	total allowable catch
OAU	Organization of African Unity	TBT	technical barriers to trade
OECD	Organization for Economic Co-operation and Development	TED	turtle excluder device
OJ	<i>Official Journal of the European Union</i>	TIAS	<i>Treaties and Other International Acts</i>
OJ EPO	<i>Official Journal of the European Patent Office</i>	TNCs	transnational corporations
OPEC	Organization of Petroleum Exporting Countries	TRIPs	Agreement on Trade-Related Aspects of Intellectual Property Rights [WTO]
OPOL	1974 Oil Companies Offshore Pollution Liability Agreement	UDHR	Universal Declaration of Human Rights
OPRC	1990 London International Convention on Oil Pollution Preparedness, Response and Co-operation	UKTS	<i>United Kingdom Treaty Series</i>
OSCE	Organization for Security and Cooperation in Europe	UNCC	United Nations Compensation Commission
OSCOM	Commission of the 1972 Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft	UNCCUR	1949 United Nations Conference on the Conservation and Utilisation of Resources
OSPAR	1992 Convention for the Protection of the Marine Environment of the North-East Atlantic	UNCED	United Nations Conference on Environment and Development

**lxviii** | **List of Abbreviations**

<b>UNCITRAL</b>	United Nations Commission for International Trade Law	<b>UNSCEAR</b>	United Nations Scientific Committee on Effects of Atomic Radiation
<b>UNCLOS</b>	1982 United Nations Convention on the Law of the Sea	<b>UNTS</b>	<i>United Nations Treaty Series</i>
<b>UNCTAD</b>	United Nations Conference on Trade and Development	<b>UPOV</b>	International Union for the Protection of New Varieties of Plants
<b>UNCTC</b>	United Nations Centre for Transnational Corporations	<b>USC</b>	United States Code
<b>UNDP</b>	United Nations Development Programme	<b>USSR</b>	Union of Soviet Socialist Republics
<b>UNEA</b>	United Nations Environment Assembly	<b>UST</b>	<i>US Treaties and Other International Agreements</i>
<b>UNECE</b>	United Nations Economic Commission for Europe	<b>VOC</b>	volatile organic compound
<b>UNEP</b>	United Nations Environment Programme	<b>WBAT</b>	World Bank Administrative Tribunal
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization	<b>WCED</b>	World Commission on Environment and Development
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change	<b>WCMC</b>	World Conservation Monitoring Centre
<b>UNFF</b>	United Nations Forum on Forests	<b>WCPFC</b>	Western and Central Pacific Fisheries Commission
<b>UNFPA</b>	United Nations Population Fund	<b>WHO</b>	World Health Organization
<b>UNGA</b>	United Nations General Assembly	<b>WIPO</b>	World Intellectual Property Organization
<b>UNIDO</b>	United Nations Industrial Development Organization	<b>WLR</b>	<i>Weekly Law Reports</i>
<b>UNITAR</b>	United Nations Institute on Training and Research	<b>WMO</b>	World Meteorological Organization
		<b>WRI</b>	World Resources Institute
		<b>WSSD</b>	World Summit on Sustainable Development [2002]
		<b>WTO</b>	World Trade Organization
		<b>WWF</b>	World Wide Fund for Nature