

Index

- Aarhus Convention 1998
 adoption of 827
 environmental information provisions 931
 importance of 931
 individual participation in decision-making 95
 information access generally 710
 Protocol on Pollutant Release and Transfer Registers 2003 712
 national implementation provisions 149
 non-compliance procedures and dispute settlement 175
 non-state actors 13, 90, 935
 Aarhus Protocol on Heavy Metals 1998
 operation of 268
 Aarhus Protocol on Persistent Organic Pollutants 1998
 operation of 269
 access
 to genetic resources *see* genetic resources
 to information *see* environmental information
 accidents
 Chernobyl incident *see* Chernobyl incident
 incident
 Cosmos 954 incident 763
Deepwater Horizon 496
Erika 787
 events other than emergencies, reporting of 692
Haven 785
 Industrial Accidents Convention 775
 adoption of 576
 notification of activities 576
 notification of incidents 577
 prevention and preparedness 576
 'major accident', definition of 575
 marine environmental emergencies *see* marine environment
 notification *see* environmental information
Patmos 784
Prestige 486
 prevention, preparedness and response generally 573
Sandoz 368, 370
 'Seveso II' Directive 1996 575
Torrey Canyon *see* *Torrey Canyon* incident
 ACCOBAMS 1996
 operation of 539
 acidification
 Gothenburg Protocol 270
actio popularis
 enforcement by 157
 action plans
 conception of 43
 examples of 119
 operation in Arctic 647
 regulatory role of 119
 adaptation measures
 Paris Climate Agreement 2015 325
 additional CFCs
 control measures 283
 Aden, Gulf of
 UNEP Regional Seas Programme 468
 adjudicative (judicial) function of international law 11
 administrative function of international law 11
 adverse effects
 definition of 169
 Africa
 African Nature Convention 1968 438
 African Revised Convention 2003 439
 early conventions 437
 Eastern Africa
 UNEP Regional Seas Programme 467
 freshwater resources
 Niger Basin agreements 374
 regional agreements in Southern Africa 374
 water stress levels 338
 Zambezi River agreements 375
 Lusaka Agreement 1994 440
 regional and subregional organisations 86
 Regional Economic Commission 70
 Western Africa UNEP Regional Seas Programme 467
 wildlife protection
 early conventions 24
 African Charter of Human and Peoples' Rights (African Charter) 1981
 adoption of 814
 environmental rights provisions 818
 African Economic Community
 trade and environment measures 893
 African Union
 regulatory role of 86
 Agenda 21
 action plan conception 43
 atmospheric protection 258
 chemicals and pesticides 581
 content of 43–4
 contribution to international law 44
 and customary international law 118
 desertification, definition of 433
 economic instruments 133
 environmental impact assessment 660
 environmental information 684
 extraterritoriality provisions 205
 fisheries management 516
 'flags of convenience' 519
 forests 429
 freshwater resources 339
 implementation costs of 44

- Agenda 21 (cont.)
 implementation of 67
 information access 707
 institutional recommendations 56
 integrated land resources
 management 140
 integration of environment and
 economy 842
 intellectual property 727
 international organisations
 provisions 53
 marine biodiversity 549
 marine environment 457–8, 508
 negotiating process 44
 non-binding status 43
 non-governmental organisations
 (NGOs) 89
 non-state actor provisions 53
 as to non-state actors 89
 prior informed consent 697
 public awareness provisions 715
 subsidies 895
 technology transfer 721
 and UN General Assembly 61
 and UNCLOS 457, 462
 war and armed conflict 836
- Agreement on Technical Barriers to
 Trade *see* technical barriers
 to trade (WTO/GATT)
- Agreement on the Application
 of Sanitary and
 Phytosanitary Measures
 (SPS Agreement) 1994 *see*
 technical barriers to trade
 (WTO/GATT)
- Agreement on the Conservation of
 Small Cetaceans of the
 Baltic and North Seas (1992
 ASCOBANS)
 operation of 538
- Agreement on the Conservation of the
 Cetaceans of the Black Sea,
 Mediterranean Sea and
 Contiguous Atlantic Area
 (1996 ACCOBAMS)
 operation of 539
- Agreement on the North Atlantic
 Marine Mammals
 Conservation Organization
 (NAMMCO) 775
 operation of 539
- Agreements for Co-operation in
 Dealing with Pollution of
 the North Sea by Oil and
 other Harmful Substances
 (Bonn Agreements)
 1969 and 1983 *see* North
 Sea
- agricultural trade measures
Beef Hormones case 873
 NAFTA restrictions on 888
- agricultural wastes *see* waste
 agriculture
 environmental hazards 608
- air pollution *see* atmospheric
 protection
- aircraft emissions *see* International
 Civil Aviation Organization
 (ICAO)
- Alpine Convention 1991
 operation of 446
- Al-Sag/Al-Disi Aquifer Agreement
 2015 (Jordan–Saudi Arabia)
 operation of 380
- Amazonian Cooperation Treaty 1978
 operation of 442
- American Convention on Human
 Rights (ACHR) 1969
 adoption of 814
 environmental rights provisions
 819
- Americas and Caribbean
 Amazonian Cooperation Treaty
 442
 biodiversity, regional/subregional
 agreements 441
 Caribbean Regional Seas
 Programme (UNEP) 467
 Regional Economic Commission
 for Latin America and the
 Caribbean 70
 regional/subregional
 organisations 86
 Vicuna Convention 1979 436
 Western Hemisphere Convention
 441
 wildlife, early conventions 24
- Anglo-Norwegian Fisheries* case
 persistent objector 124
- animals *see* wildlife
- Antarctic
 Antarctic Environment Protocol
 1991
 compliance 643
 definition of ‘environment’ 15
 environmental impact
 assessment 671
 institutional arrangements 643
 liability provisions 794
 operation of 639
- Antarctic Seals Convention 1972
 635
- Antarctic Treaty 1959 618
- Brussels Agreed Measures for the
 Conservation of Antarctic
 Fauna and Flora 1964 635
- Commission for the Conservation
 of Antarctic Marine Living
 Resources (CCAMLR) 1980
 635
- Convention on the Regulation
 of Antarctic Mineral
 Resource Activities
 (CRAMRA) 1988
 enforcement by international
 organisations 161
 liability provisions 767, 794
 current state of regulation 650
- ecosystem, description of 633
 human activities 633
 liability provisions 767, 794
 other relevant treaties 644
 Polar Code 2017 493
 regulation generally 632
 Scientific Committee for Antarctic
 Research (SCAR) 635
 ‘Special Conservation Area’ 635
 treaties generally 633
 UN role in 634
- anti-competitive agreements
 environmental issues 898
- anti-dumping agreements
 environmental issues 899
- Apia Convention on the Conservation
 of Nature in the South
 Pacific (Apia Convention)
 769
 operation of 443
- aquifers *see* freshwater resources
- Arab Charter on Human Rights 2004
 adoption of 814
 environmental rights provisions
 819
- Arabian Gulf
 Kuwait Exploration Protocol 1989
 499
 UNEP Regional Seas Programme
 468
- arbitration *see* dispute settlement
- Arbitration Institute of the Stockholm
 Chamber of Commerce
 dispute settlement 905
- archipelagic waters
 UNCLOS conservation measures
 514
- Arctic
 Agreement on Cooperation on
 Aeronautical and Maritime
 Search and Rescue in the
 Arctic 649
 Agreement on Cooperation on
 Marine Oil Pollution
 Preparedness and
 Response in the Arctic 2013
 649
 Arctic Contaminants Action
 Program (ACAP) 647
 Arctic Council 645
 Arctic Environmental Protection
 Strategy (AEPS) 644
 Arctic Environmental Protocol
 767
 Arctic Monitoring and Assessment
 Programme (AMAP) 1991
 646
 Arctic Oil Pollution Preparedness
 and Response Agreement
 2013 649
 Arctic Plan 645
 Conservation of Arctic Flora and
 Fauna Working Group
 (CAFF) 648

943 Index

- Emergency Prevention,
 Preparedness, and Response
 Working Group (EPPR) 648
- Polar Bear Agreement 1973 435
- Polar Code 2017 493
- Protection of the Arctic Marine
 Environment Working
 Group (PAME) 1991 647
- regulation generally 632, 644
- Sustainable Development Working
 Group (SDWG) 1998 648
- treaties 649
- Arctic Sunrise* case 497
- Argentina
EC-Biotech case 238, 879
Pulp Mills case *see Pulp Mills* case
- Statute of the River Uruguay
 351
- Asbestos* case (2000) 865
- Ascension Island
 early scientific observations of
 environmental damage 23
- ASCOBANS 775
 operation of 538
- Asia *see also* Pacific Region
- ASEAN *see* Association of South
 East Asian Nations
 (ASEAN)
- biodiversity agreements *see*
 Association of South East
 Asian Nations (ASEAN)
- freshwater resources
 Subcontinental Asia 378
- treaties generally 377
- Ganges River Treaty 1996 378
- Mahakali (Sharda) River Treaty
 1996 378
- Mekong River Basin Agreement
 1995 377
- Regional Economic Commission
 70
- Regional Economic Commission
 for West Asia 70
- regional/subregional
 organisations 87
- Association of South East Asian
 Nations (ASEAN)
- atmospheric protection 274
- Conservation of Nature and
 Natural Resources
 Agreement (1985 ASEAN
 Agreement) 448
- environmental impact assessment
 662
- regulatory role of 87
- Atlantic
 ACCOBAMS 1996 539
- North Atlantic Marine Mammals
 Conservation Organization
 (NAMMCO) 539
- North-East *see* North Sea; OSPAR
 Convention 1992
- atmospheric pollution of the marine
 environment 477
- atmospheric protection *see also*
 Cancún Conference (COP
 16); climate change;
 Climate Change Convention
 1992; Kyoto Protocol 1997;
 outer space
- Aarhus Protocol on Heavy Metals
 268
- Aarhus Protocol on Persistent
 Organic Pollutants 269
- air pollution from ships 333, 491
- air pollution generally 259
- aircraft emissions 275
- ASEAN Agreement 274
- Copenhagen Accord 2009 314
- current state of regulation 293
- customary law 257
- ECE Convention 261
- Gothenburg Protocol 270
- ICAO Convention 275
- issues generally 252
- LRTAP Convention *see* Long Range
 Transboundary Air
 Pollution Convention
 (LRTAP) 1979
- Minamata Mercury Convention
 2013 276
- Monitoring and Evaluation
 Protocol 262
- NOx Protocol 263
- nuclear tests 27, 255
- ozone *see* ozone
- ships' emissions 333, 491
- Sulphur Protocol 263
- Trail Smelter* case *see Trail Smelter*
 case
- transboundary pollution generally
 259
- UN environmental summits 258
- UNCED 258
- urban air pollution generally 259
- Volatile Organic Compounds
 Protocol 265
- WSSD Plan of Implementation
 258–9
- atomic radiation *see* nuclear activities
 and radioactive substances
- Australia
Certain Phosphate Lands in Nauru
 case 72
- French atmospheric nuclear tests
 disputes 27, 96, 255
- Southern Bluefin Tuna* cases *see*
Southern Bluefin Tuna cases
- Whaling in the Antarctic* Case
 536
- automobiles
Retreaded Tyres case (2007) 867
- aviation *see* International Civil
 Aviation Organization
 (ICAO)
- awareness, public
 environmental information
 provision 715
- Balmer-Schafroth v. Switzerland*
 precautionary principle ruling
 239
- Baltic Sea
 Agreement on the Conservation
 of Small Cetaceans of
 the Baltic and North
 Seas (ASCOBANS)
 1992 538
- Helsinki Convention 1992 474
- Bamako Convention
 definitions of waste 612
 waste prevention provisions 614
- Bangladesh
 Ganges River Treaty 1996 378
- banks *see* development banks
- Basel Convention
 definitions of waste 612
 waste prevention provisions 613
 waste transport and trade
 provisions 620
- beef
Beef Hormones case 873
- Belgium *see also* Benelux
Belgian Waste Disposal case 885
- environmental rights jurisprudence
 823
- benefit sharing
 Biodiversity Convention provisions
 394
- Nagoya Protocol 2010 *see* Nagoya
 Protocol on Access to
 Genetic Resources and
 Benefit-Sharing 2010
- Benelux
 Convention on Nature
 Conservation and
 Landscape Protection 446,
 771
- Convention on the Hunting and
 Protection of Birds 1970
 435
- Berlin Rules on Water Resources 2004
 343
- Berne Agreement on the International
 Commission for the
 Protection of the Rhine
 Against Pollution (Berne
 Pollution Agreements) 764
- adoption and amendment 367
- Berne Convention on the
 Conservation of European
 Wildlife and their Natural
 Habitats
 operation of 444
- bilateral investment treaties (BITs) *see*
 foreign investment
- biodiversity
 1992 Convention *see* Biodiversity
 Convention 1992
- 2010 Protocol *see* Nagoya Protocol
 on Access to Genetic
 Resources and Benefit-
 Sharing 2010

- biodiversity (cont.)
 ad hoc development of regulation 387
 African Nature Convention 438
 African Revised Convention 439
 Amazonian Cooperation Treaty 442
 Benelux Convention 1982 446
 Berne Convention 1979 444
 biosafety *see* Biosafety Protocol 2000
 Carpathians Convention 2003 447
 chapter scope and structure 388
 CITES *see* CITES
 civil liability and compensation 797
 Convention on the Protection of the Alps 446
 current state of regulation 449
 diversity of regulatory techniques 386
 Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 408–9
 international law generally 386
 loss of 384
 Lusaka Agreement 440
 measurement of 384
 other global conventions 409
 reasons for conserving 385
 regional/subregional agreements
 Africa 437
 Americas and Caribbean 441
 Asia 447
 Europe 444
 generally 436
 Pacific Region 443
 regulatory methods 386
 specific habitats and species
 birds *see* birds
 forests *see* forests
 international agreements generally 427
 land, soil and desertification 431
 migratory species *see* migratory species
 plants and plant genetic resources 424
 Polar Bear Agreement 1973 435
 Vicuna Convention 1979 436
 wetlands *see* wetlands
 world heritage 422
 Stockholm Declaration 386
 threats to
 direct threats 385
 indirect threats 385
 Western Hemisphere Convention 441
 Biodiversity Convention 1992
 2010 Nagoya–Kuala Lumpur Supplementary Liability Protocol 797
 access to genetic resources 394, 403
 Aichi Biodiversity Targets 387, 407
 background 388
 benefit sharing 394
 Biodiversity Target 2010 387, 407
 Biodiversity Targets 2011–20 407
 biotechnology 396
 and Biotechnology Directive litigation 921
 climate change impacts and responses 405
 conservation 390
 cooperation with other international agreements 405
 deep-sea ecosystem protection 556
 ‘ecosystem approach’ 405
 ‘ecosystem services’ concept 408
 environmental impact assessment 673
 evolution of 404
 financial resources and mechanisms 396
 as framework convention 404
 generally 388
 holistic approach 387
 institutional provisions 397
 intellectual property 728
 Intergovernmental Science–Policy Platform on Biodiversity and Ecosystem Services (IPBES) 408–9
 jurisdictional scope 390
 living modified organisms (LMOs) 396
 marine biodiversity 552
 marine biodiversity beyond national boundaries 406
 new policy challenges 407
 objectives 389
 ocean fertilisation resolution 937
 Preamble 389
 Protocol *see* Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing 2010
 ‘science-policy interface’ 408
 Strategic Plan for 2011–2020 387
 sustainable use 390
 technology transfer 394, 724
 trade control measures 844
 work programmes 405
 biological diversity *see* biodiversity
 biological resources
 definition of 16
 Biosafety Protocol 2000
 adoption of 397
 advance informed agreement (AIA) procedure 398, 697
 agreements between parties 400
 application of 398
 Biosafety Clearing-House 400–1
 civil liability and compensation 402
 conflict with free trade agreements 845
 developing countries, capacity-building 402
 entry into force 397
 institutional provisions 402
 LMO regime 938
 non-environmental factors in decision-making, provision for 9
 notification of incidents 402
 objectives 397
 Preamble 398
 prior informed consent 398, 697
 review of decisions 400
 risk management 401
 safety measures 401
 ‘socio-economic considerations’ in decision-making 400
 trade measures in 844
 Biosphere Conference 1968 29
 biotechnology
 benefit sharing 394
 Biodiversity Convention 1992 396
 Bonn Guidelines 2002 395
 EC-Biotech case 238, 879
 birds
 Benelux Convention 1970 435
 Birds Convention 1950 435
 early conventions 23
 marine birds conservation measures 540
 regulatory regime generally 434
 Black Sea
 1992 Convention 790
 ACCOBAMS 1996 539
 UNEP Regional Seas Programme 468
 Bonn Agreements 1969 and 1983 *see* North Sea
 Bonn Convention on the Conservation of Migratory Species of Wild Animals 1979
 operation of 417
 bottles
 Danish Bottles case 883
 bottom trawling
 regulation of 542
 Brazil
 indigenous peoples’ rights 823
 Reformulated Gasoline case (1996) 856
 Retreaded Tyres case (2007) 867
 bromochloromethane
 control measures 285
 Brundtland Report
 definition of sustainable development 218
 Experts Group on Environmental Law 660
 recommendations by 38
 sustainable development generally 9

945 | Index

- Brussels Agreed Measures for the Conservation of Antarctic Fauna and Flora 1964 635
- Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Brussels Convention) 1968
 non-state actor enforcement provisions 165
- Bulgaria
 ICSID dispute settlement 915
- Bunker Fund Convention 779
 civil liability 788
- Burma
 Mekong River Basin Agreement 1995 377
- Business Charter on Sustainable Development 92
- Cambodia
 Mekong River Basin Agreement 377
- Canada
Asbestos case (2000) 865
Beef Hormones case 873
 Cosmos 954 incident 763
 dispute settlement under NAFTA 905
EC-Biotech case 238, 879
Estai case 527
 FTA with US *see* Canada–United States Free Trade Agreement
 Great Lakes Water Quality Agreement 372
Gut Dam case 371
 NAFTA *see* North American Free Trade Agreement (NAFTA)
Trail Smelter case *see* *Trail Smelter* case
- Canada–United States Boundary Waters Treaty 1909
 operation of 371
 pollution prevention provisions 24
- Canada–United States Transboundary Movement of Hazardous Waste Agreement
 operation of 625
- Cancún Conference (COP 16)
 Green Climate Fund (GCF) 328
 Technology Mechanism 328, 726
- capacity building
 Paris Climate Agreement 2015 328
- carbon markets
 Paris Climate Agreement 2015 324
- Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) 332
- carbon sources and sinks
 Climate Change Convention 1992 as to 304
 Kyoto Protocol 1997 as to 313
 Marrakesh Accords 311–12
 Paris Climate Agreement 2015 323
- carbon tetrachloride
 control measures 284
- Caribbean *see* Americas and Caribbean
- ‘Caring for the Earth’ Strategy 1991
 operation of 38
- Carpathians Convention 780
 operation of 447
- Cartagena Protocol *see* Biosafety Protocol 2000
- Case Concerning Certain Phosphate Lands in Nauru*
 description 72, 606
 cases *see* jurisprudence
- Caspian Sea
 UNEP Regional Seas Programme 467
- CCAMLR 1980
 operation of 635
- CERES Principles 92
- cetaceans *see* marine mammals
- CFCs
 additional CFCs 283
 control measures 282
 hydrochlorofluorocarbons (HCFCs) 284
- CFI (EU Court of First Instance)
 dispute settlement 189
- Chagos Archipelago
 MPA dispute 179, 560
- charges and taxes
 regulation via 134
- chemicals and pesticides
 1998 Convention *see* Chemicals Convention 1998
Codex Alimentarius 579
 Globally Harmonized System of Classification and Labelling of Chemicals (GHS) 580
 labelling and packaging 578
 Minamata Mercury Convention 2013 583
 persistent organic pollutants (POPs) 580
 POPs Convention 2001 581
 production and use 580
 registration and classification 578
 regulatory regime generally 578
 trade
 Chemicals Convention 1998 587
 FAO Code of Conduct 1985 586
 generally 585
 UNEP London Guidelines 1987 586
 transport of 589
- Chemicals Convention 1998
 prior informed consent (PIC) 697
 trading provisions 587
- Chernobyl incident
 repairation 752
 reporting 700
 and Vienna Convention 1963 776
- children
 Convention on the Rights of the Child 819
 environmental rights 819
- Chile
Swordfish case 529
- China
 Mekong River Basin Agreement 1995 377
South China Sea Arbitration 531, 552, 665, 680
- chlorides
 Rhine conventions 368
- chlorofluorocarbons (CFCs) *see* CFCs
- CITES
 amendments to appendices 413
 appendices 411
 cost of protection measures, provision for 8
 definition of terms, problem of 14
 definitions 410
 enforcement 416
 exemptions 415
 generally 409
 institutional provisions 410
 introduction from the sea 412
 Preamble 410
 reservations to 414
 special rules 415
 ‘specimen’, definition of 410
 Stockholm Conference
 recommendation as origin of 409
- civil and political rights
 European Court of Human Rights jurisprudence 826
 International Covenant (ICCPR) 1966
 adoption of 814
 environmental rights provisions 825
 relevant to environmental protection 825
- civil liability and compensation
 Antarctic *see* Antarctic biodiversity 797
 Biosafety Protocol 402
 CRAMRA *see* Antarctic current state of regulation 803
 dangerous goods or activities *see* hazardous activities; hazardous/toxic substances
 LMOs regime 938
 Lugano Convention 1993
 claims 801
 damage 800
 ‘environment’, definition of 800
 ‘environmental damage’, definition of 800
 information access 708
 national implementation provisions 149
 operation of 799
 marine environment 790

- civil liability and compensation (cont.)
 marine pollution 505
 nuclear installations *see* nuclear activities and radioactive substances
 oil pollution *see* oil pollution
 regulation generally 771
 regulation via 137
 state liability *see* states
 transportation *see* transportation
 waste 790
- Clean Development Mechanism (CDM)
 Kyoto Protocol provisions 311
 Marrakesh Accords 311
 operation of 137
- climate change
 1992 Convention *see* Climate Change Convention 1992
 1997 Protocol *see* Kyoto Protocol 1997
 2015 Agreement *see* Paris Climate Agreement 2015
 Biodiversity Convention 1992 405
 Cancún Conference *see* Cancún Conference (COP 16)
 Copenhagen Accord 2009 314
 current state of regulation 334
 development of regulation 299
 integrated approach to 937
 intellectual property 730
 inter-sectoral linkages 331
 IPCC *see* Intergovernmental Panel on Climate Change (IPCC)
 legal developments in 932
 negotiations for new treaty 316
 threat of 297
 water stress due to 338
- Climate Change Convention 1992 *see also* Kyoto Protocol 1997; Paris Climate Agreement 2015
 Agreement *see* Paris Climate Agreement 2015
 carbon sources and sinks, commitments as to 304
 definitions 301
 dispute settlement 307
 environmental impact assessment 663
 financial assistance provisions 305
 general commitments 302
 implementation 307
 institutional provisions 306
 national implementation provisions 151
 negotiating process 299
 objectives 301
 Preamble 301
 principles 302
 Protocol *see* Kyoto Protocol 1997
 provisions generally 300
 reporting, provisions as to 303, 690
- and Rio Declaration 1992 209, 301
 sovereignty principle 301
 state liability provisions 768
 technology transfer 726
 technology transfer provisions 306
 trade control measures 844
 trade measures in 849
 tradeable permits 135
- 'climate justice'
 concept of 812, 818
- climate system
 definition of 16
- Code of Crimes Against the Peace and Security of Mankind (draft)
 definition of environmental damage as 'exceptionally serious war crime' 833
- Codex Alimentarius*
 development of 579
- 'command-and-control' (direct regulation) *see* standards
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) 1980
 operation of 635
- Committee on Peaceful Uses of Outer Space (COPUOS)
 regulatory role of 68
- Committee on Trade and the Environment (CTE)
 operation of 853
- common but differentiated responsibility principle
 common responsibility 245
 differentiated responsibility 246
 generally 42, 244
 Paris Climate Agreement 2015 247
 Rio Declaration 1992 244
- compensation for cost of protection
 measures *see also* civil liability and compensation; reparation
 treaty provision for 8
- competition *see also* trade
 anti-competitive agreements 898
 current state of regulation 925
 and environment generally 894
 NAFTA measures 891
- compliance *see also* dispute settlement; enforcement; implementation
 Antarctic Environment Protocol 1991 643
 current state of regulation 190
 generally 144
 Kyoto Protocol 1997 316
 Montreal Protocol 1987 289
 non-compliance procedures and dispute settlement 172
 Paris Climate Agreement 2015 329
- conciliation
 dispute settlement by 170
- conferences, regulatory role of
 action plans 119
 conference declarations 118
- conflict resolution *see* dispute settlement
- conservation
 definition of 224
 global *see* global conservation
 wildlife *see* birds; fisheries; marine life; marine mammals; wildlife
- consultation
 dispute settlement by 168
 and environmental information *see* environmental information.
 prior informed consent *see* prior informed consent (PIC)
- consumer information incentives
 regulation via 138
- continental shelf
 UNCLOS conservation measures 514
- controlled substances *see* Montreal Protocol 1987
- Convention on Biological Diversity
see Biodiversity Convention 1992
- Convention on Supplementary Compensation 1997
 operation of 779
- Convention on the International Trade in Endangered Species (CITES) *see* CITES
- Convention on the Protection of the Marine Environment of the Baltic Sea Area 1992 (Helsinki Convention)
 operation of 474, 477
 pollution from seabed activities 500
- Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) 1988
see Antarctic
- cooperation principle
 application of 213
 invocation in treaties 202
 ITLOS jurisprudence 216
 legal status of 198
 state practice 216
- Copenhagen Accord 2009
 REDD/REDD+ 314
- corporate sector
 associations 92
 criminal liability 761
 Global Compact 2000 93
 OECD Guidelines for multinational enterprises 93
 regulatory role of 92
 transnational corporations (TNCs) 93
 and UN Human Rights Council 94
 Cosmos 954 incident 763

947 | Index

- cost of protection measures
 treaty provision for 8
- Costa Rica
 ICSID dispute settlement 914
 San Juan River pollution litigation
 with Nicaragua 359
- Council of Europe
 Convention on the Protection
 of the Environment
 Through Criminal Law 1988
 761
 Lugano Convention 1993 *see* civil
 liability and compensation
 regulatory role of 84
 statements on environmental rights
 815
- Court of First Instance (EU)
 dispute settlement generally 189
- courts and tribunals
 CRAMRA 1988 *see* Antarctic
 enforcement role of 939
 increased importance of role of 22
 role in environmental protection
 931
- criminal law
 Code of Crimes Against the Peace
 and Security of Mankind
 (draft) 833
 Council of Europe Convention on
 the Protection of the
 Environment Through
 Criminal Law 1988 761
 environmental damage as war
 crime 833
 state liability for international
 crimes 760
- cultural heritage *see* world heritage
- customary law
 atmospheric protection 257
 consultation obligation 696
 freshwater resources 339
 generally 119
opinio juris 121
 persistent objector 124
 regional custom 124
 Rio Declaration 1992 118
 state practice 120
 treaties and 122
- Czechoslovakia *Gabčíkovo–
 Nagymaros* case *see*
Gabčíkovo–Nagymaros case
- damage *see* environmental damage;
 'loss and damage' measures
- Declaration of the World Industry
 Conference on
 Environmental
 Management (WICEM II) 92
- deep-sea ecosystems *see* marine
 environment
- Deepwater Horizon* accident
 significance of 496
- Denmark
Danish Bottles case 883
- deposit refund systems
 regulation via 136
- deserts
 Agenda 21 433
 Convention to Combat
 Desertification 433
 regulatory regime generally 431
- destructive fishing practices *see*
 fisheries
- developing countries
 capacity-building, Biosafety
 Protocol provisions 402
 financial assistance for 8, 151, 288
 Group of 77 54
 Kyoto Protocol 1997 315
 REDD/REDD+ *see* REDD; REDD+
 responsibilities of 42
 role in future developments 935
 technical assistance to 288, 853
- development (economic) *see also*
 development banks; foreign
 investment; sustainable
 development
 integration with environment 227
 right to, debate over recognition of
 228
 sovereign right of 42, 226
- development banks
 Declaration of Environmental
 Policies and Procedures
 Relating to Economic
 Development 80
 inspection procedures and dispute
 settlement 176
 legal establishment and personality
 79
- developmental NGOs
 regulatory role of 91
- differentiated responsibility *see*
 common but differentiated
 responsibility principle
- diplomatic means of dispute
 settlement *see* dispute
 settlement
- direct regulation ('command-and-
 control') *see* standards
- disposal *see* waste
- dispute settlement *see also*
 enforcement;
 implementation
 activity post-UNCED 47
 arbitration 178
 Climate Change Convention 1992
 307
 conciliation 170
 consultation 168
 development banks' inspection
 procedures 176
 diplomatic means 168
 ECJ *see* European Court of Justice
 (ECJ)
 fact-finding 170
 generally 167
 human rights courts 189
- ICJ *see* International Court of
 Justice (ICJ)
 international courts generally 180
 international institutions, via 170
 international organisations' role in
 59
 investment treaties 904
 ITLOS *see* International Tribunal
 for the Law of the Sea
 (ITLOS)
 legal means generally 178
 mediation 170
 NAFTA 177, 891
 negotiation 168
 non-compliance procedures 172
 and overlapping treaties 113
 UNCLOS *see* International Tribunal
 for the Law of the Sea
 (ITLOS)
 WTO/GATT *see* technical barriers
 to trade (WTO/GATT);
 WTO/GATT
- Doha Declaration 779
 integration of environment and
 economy 847
- dolphins
Tuna/Dolphin cases (1991, 1994)
 854
Tuna/Dolphin II case (2012) 869
- driftnet fishing
 regulation of 541
- drinking water *see* freshwater
 resources
- dumping at sea *see* marine
 environment
- Earthwatch programme
 operation of 704
- EC Treaty *see* Treaty on the
 Functioning of the
 European Union (TFEU)
- EC-Biotech* case 879
- ECE Convention on Long Range
 Transboundary Air
 Pollution
 operation of 261
- eco-auditing and accounting *see*
 environmental information
- eco-labelling *see* environmental
 information
- 'ecological necessity', state of
 legal defence of 346
- 'ecological science'
 definition of 14
- 'ecology' definition of 14
- economic and social rights
 ICESCR 814
- economic development *see also*
 foreign investment
 and environmental protection 8
- economic instruments, regulation by
 charges and taxes 134
 civil liability and compensation
 137

- economic instruments, regulation by (cont.)
 consumer information incentives 138
 deposit refund systems 136
 enforcement incentives 136
 generally 132
 investment incentives 137
 joint implementation 135
 subsidies 136
 trade measures 137
 tradeable permits 135
 types of instruments 133
- economics *see also* competition;
 foreign investment; trade
 and environmental decision-
 making 8
 integration with environment
 current state of regulation 924,
 926
 issues generally 841
- ecosystem
 approach to marine environmental
 regulation 457
 deep-sea *see* marine environment
 definition of 14
 education and awareness
 environmental information
 provision 715
 'effective environmental legislation'
 commitment 43
 emergencies *see* accidents
 emission standards
 as direct regulation 131
 emissions mitigation commitments
 Paris Climate Agreement 2015 322
 emissions trading
 Kyoto Protocol 1997 310
 endangered species, trade in
 CITES *see* CITES
- energy
 environmental hazards 604
German Renewable Energy case 886
 Energy Charter Treaty 1994
 dispute settlement 904
 foreign investment provisions 903
 ICSID dispute settlement 915
- enforcement
actio popularis 157
 incentives, regulation via 136
 international enforcement
 generally 153
 by international organisations 160
 by non-state actors
 generally 163
 international enforcement 166
 international enforcement in
 national courts 164
 by states
 areas beyond national
 jurisdictions 155
 damage to own environment 154
 damage within other state 155
 Fish Stocks Agreement 1995 156
 generally 153
- ENMOD Convention on the
 Prohibition of Military or
 Any Other Hostile Use of
 Environmental
 Modification Techniques
 (ENMOD Convention) 1977
 definition of 'environment' 15
 environmental protection
 provisions 834
- environment
 compartmentalisation of 15
 definition of 14, 735
 environment funds
 Global Environment Facility (GEF)
see Global Environment
 Facility (GEF)
 environmental accounting and
 auditing *see* environmental
 information
 environmental agreements *see also*
 environmental treaties
 regulation via 138
 environmental damage
 another state, within, enforcement
 measures 155
 definition
 of 'damage' 1
 EU Commission Green Paper 743
 jurisprudence 742
 Lugano Convention 1993 800
 as to state liability 741
 treaties 741
 UN Security Council 742
 as war crime 833
 early scientific observations of 22
 by incineration of waste 611
 by landfill 611
 liability
 civil *see* civil liability and
 compensation
 state *see* states
 prevention, main issues 740
 responsibility not to cause
 application of 206
 generally 201
 legal status of 210
 preventive action principle
 distinguished 211
 UNCLOS provisions 463
 to state's own environment,
 enforcement measures 154
 as war crime 833
 'environmental discrimination'
 issue of 818
 environmental impact assessment
South China Sea Arbitration
(Philippines v. China) 665,
 680
 environmental impact assessment
 (EIA)
 Agenda 21 660
 Antarctic Environment Protocol
 671
 ASEAN Agreement 662
- Biodiversity Convention 673
 Biosafety Protocol 2000 674
 chapter scope and content 683
 Climate Change Convention 663
 current state of regulation 680
 by development banks 675
 emergence of 657
 Espoo Convention 667
 EU Directive 662
 Experts Group on Environmental
 Law 660
Gabčíkovo-Nagymaros case 676
 general acceptance of 932
 human rights jurisprudence 826
 ILC Draft Articles on Prevention
 of Transboundary Harm
 from Hazardous Activities
 661
 'impact', definition of 202
 issues generally 657
 ITLOS jurisprudence 679
 jurisprudence 658, 676
 non-binding instruments 658
 Nordic Environmental Protection
 Convention 662
 Noumea Convention 666
 process of 657
Pulp Mills case 677
 Rio Declaration 657
 risk assessment procedures 674
 SPS Agreement 1994 673
 Stockholm Declaration 658
 Strategic Environmental
 Assessment Protocol 670
 transboundary 'impact', definition
 of 202
 treaties generally 662
 UN environmental summits 660
 UNCED 660
 UNCLOS 664
 UNEP goals and principles 660
 World Bank 675
 World Charter for Nature 659, 771
 WSSD Plan of Implementation
 661
- environmental information
 access to
 Aarhus Convention 1998
 generally 710
 Protocol on Pollutant Release
 and Transfer Registers 2003
 712
 acceptance of obligation 707
 Agenda 21 707
 early treaties 707
 international organisations' role
 in 58
 legal developments in 932
 limitations on 708
 Lugano Civil Liability
 Convention 1993 708
MOX case 709
 OSPAR Convention 1992 708
 regulation generally 707

- Rio Declaration 1992 707
- Stockholm Conference 683, 685
- consultation
 - generally 697
 - obligation to consult
 - applicable situations 695
 - as customary law 696
 - treaty provisions 694
- current state of regulation 730
- eco-auditing and accounting
 - environmental accounting 717
 - environmental auditing 719
 - regulation generally 717
- eco-labelling
 - EU schemes 138
 - regulation generally 716
- information exchange
 - Agenda 21 684
 - definition of 685
 - general obligation 685
 - by international organisations 58
 - matters to which applicable 686
 - notification distinguished 685
 - provisions for
 - clearer and more formal 687
 - in early treaties 686
 - effectiveness of 687
 - treaties with detailed rules 687
 - regulation generally 685
 - reporting distinguished 685
 - Rio Declaration 1992 684–5
- monitoring
 - Earthwatch programme 704
 - international arrangements for 703
 - Kyoto Protocol provisions 706
 - regulation generally 703
 - related terminology 703
 - treaty provisions 704
- notification of incidents
 - Biosafety Protocol 2000 402
 - Industrial Accidents Convention 775
 - notification of activities 576
 - notification of incidents 577
 - information exchange
 - distinguished 685
 - Notification Convention 1986 701
 - nuclear accidents 699
 - regulation generally 698
 - Rio Declaration 1992 698
- provision to consumers, incentives for 138
- public education and awareness 715
- recent developments 684
- regulation generally 682
- regulatory techniques for provision of 684
- reporting
 - Climate Change Convention 303, 690
- events other than emergencies 692
 - generally 689
 - of implementation measures 152
 - information exchange
 - distinguished 685
 - by international organisations 689
 - Kyoto Protocol 315, 691
 - NGOs 694
 - Paris Climate Agreement 2015 329
 - Pulp Mills* case 693
 - Rio Declaration 1992 693, 695
 - under treaties 689
- environmental law and regulation
 - see also* environmental treaties
 - achievements of 940
 - activity post-UNCED 45
 - actors generally 52
 - adequacy, issues of 16
 - basis for decision-making 6
 - best approach to 940
 - challenges for 3, 16
 - chapter scope and content 101
 - competition law and 894
 - compliance *see* compliance
 - consensus of priorities and values, Rio Declaration as 201
 - consolidation of regimes 933
 - coordination of regimes 936
 - courts and tribunals, role of *see* courts and tribunals
 - creation of rights and obligations 104
 - current state of 141
 - current state of international governance 96
 - customary law *see* customary law
 - development of legal terminology 14
 - direct regulation *see* standards
 - 'effective environmental legislation', commitment to 43
 - enforcement, issues of 16
 - Experts Group 39
 - future developments *see* future developments
 - governance challenges 96, 933
 - growth of 4
 - history *see* history
 - integration with other areas of law, issues of 17
 - interdependence of issues 5
 - international cooperation, need for 3, 25
 - and international law *see* international law
 - interplay of actors in development of 22
 - journals 20
 - key issues for 5
 - lawmaking process generally 101
 - lawyers, role of *see* lawyers
 - Montevideo Programme 36
 - multilateral cooperation, commitment to 938
 - multilevel approach to 939
 - national implementation, importance of 16
 - new areas of regulation
 - post-Stockholm Declaration 34
 - non-binding instruments, types of 116
 - non-legal influences 6
 - other than by treaties
 - conference declarations 118
 - generally 116
 - by international organisations 116
 - principles and rules *see* general principles and rules
 - private actors, role of 25
 - progress on framework for 930
 - reactive nature of 22
 - regional approach to 939
 - regulation via environmental agreements 138
 - regulatory approaches generally 127
 - science, role of *see* science
 - 'soft law', types of 116
 - sources of law 19
 - sovereign equality principle 938
 - voluntary approaches to 138
 - war and armed conflict 829
 - websites 20
- environmental law reports
 - bibliography 20
- environmental management
 - background 139
- environmental modification
 - techniques
 - military and other hostile use of *see* Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD Convention) 1977
- environmental NGOs regulatory role of 91
- environmental protection
 - and armed conflict *see* war and armed conflict
 - and economic development 8
 - and human rights 814
 - standard of care and state liability 746
 - and war *see* war and armed conflict
- 'environmental racism', issue of 818
- environmental rights *see* human rights
- environmental standards *see* standards

- environmental taxes
 regulation via 134
- environmental treaties
 adoption of 104
 amendment 115
 classification of 104
 compensation for cost of protection
 measures, provision for 8
 conflict with free trade agreements
 845
 and customary law 122
 definition of 'treaty' 104
 dispute settlement *see* dispute
 settlement
 entry into force 107, 110
 information provision *see*
 environmental information
 interpretation of 108
 interpretative declarations 111
 lawmaking process generally 106
 legal issues as to 107
 negotiating process 106
 organisations established by 88
 proliferation of parties to 11, 938
 relations between 113
 reporting under *see* environmental
 information
 reservations 111
 trade measures in 843
 treaty-making process 106
 and Vienna Convention 1969 *see*
 Vienna Convention on the
 Law of Treaties 1969
 war and armed conflict 829
- 'environmentally displaced persons'
 concept of 837
- epizootic diseases
 early conventions 24
- equality of states, doctrine of
 and international law 12
- equity principle
 application of 126
 equitable use of natural resources
 225
 invocation in treaties 202
 Paris Climate Agreement 2015 226,
 244
 state practice 226
- Erika* claim
 liability ruling 787
- Espoo Convention 1991
 adoption of 662
 definition of 'environment' 15
 environmental impact assessment
 667
 'impact', definition of 667
 transboundary 'impact', definition
 of 668
- Estai* case
 description 527
- Europe
 biodiversity
 Benelux Convention 1982 446
 Berne Convention 1979 444
- Carpathians Convention 2003
 447
- Convention on the Protection of
 the Alps 446
- regional/subregional agreements
 444
- Council of Europe *see* Council of
 Europe
- OSCE *see* Organization for Security
 and Co-operation in Europe
 (OSCE)
- regional organisations generally 82
- European Commission on Human
 Rights
 environmental rights jurisprudence
 827
 jurisprudence 819
- European Convention on Human
 Rights (ECHR) 1950
 adoption of 814
 environmental rights jurisprudence
 819, 827
- European Court of Human Rights
 environmental rights jurisprudence
 819, 826
- European Court of Justice (ECJ) *see*
also Court of First Instance
 (EU)
- dispute settlement generally 187
 'expansive' approach to treaty
 interpretation 110
 and ITLOS 114
 and trade restrictions on
 environmental grounds
 883
- European Patent Convention
 operation of 917
- European Social Charter (ESC) 1961
 adoption of 814
 environmental rights initiatives
 824
- European Union (EU)
Beef Hormones case 873
Belgian Waste Disposal case 885
 biodiversity and biosafety
 regulation 444
 Biotechnology Directive
 jurisprudence 917, 920
 Brussels Convention 1968 165
 CFI *see* Court of First Instance (EU)
- Court of First Instance (CFI) *see*
 Court of First Instance (EU)
- Court of Justice *see* European Court
 of Justice (ECJ)
- Danish Bottles* case 883
 dispute settlement, jurisdiction
 arguments 114
- EC-Biotech* case 238, 879
- ECJ *see* European Court of Justice
 (ECJ)
- eco-labelling schemes 138
 enforcement powers 162
 environmental impact assessment
 Directive 662
- Environmental Liability Green
 Paper 743
- environmental taxes 134
German Renewable Energy case
 886
Handelskwekerij G. J. Bier v.
Mines de Potasses d'Alsace
 165
- hazardous wastes definitions 612
Hormone Relaxin case 918
 incineration legislation 367
Lubrizol Genetics Inc. case 917
 Lugano Convention 1988 166
 national enforcement provisions
 156
 national implementation
 provisions 148
 non-state actor enforcement
 provisions 165
Oncomouse/Harvard case 918
Plant Genetic Systems case 918
 polluter pays principle 242
Retreaded Tyres case (2007) 867
 'Seveso II' Directive 1996 575
Swordfish case 529
- TFEU (EU Treaty) *see* Treaty on the
 Functioning of the
 European Union (TFEU)
- trade restrictions on environmental
 grounds 882
- waste treatment legislation 616
 Water Framework 344, 366
 water quality legislation 366
- eutrophication
 Gothenburg Protocol 270
- exchange of information *see*
 environmental information
- exclusive economic zone (EEZ) *see*
 UNCLOS/ITLOS
- Expert Group on Technology Transfer
 (EGTT)
 activities 726
- Experts Group on Environmental Law
 Report 39
 views on environmental impact
 assessment 660
- export credit insurance *see* foreign
 investment
- extraterritoriality
 and sovereignty over natural
 resources 203
- fact-finding
 dispute settlement by 170
- financial assistance
 Biodiversity Convention 1992 397
 Climate Change Convention 1992
 305
 development banks *see*
 development banks
 Montreal Protocol 1987 288
 Paris Climate Agreement 2015 151,
 327
 World Bank *see* World Bank

951 | Index

- Fish Stocks Agreement 1995 156
 adoption of 517
 application of 517
 biodiversity provisions 551
 compliance by flag states and port states 519
 deep-sea ecosystems protection 555
 national enforcement provisions 156
 precautionary approach 518
 regional/subregional arrangements 518, 520
 special rules 517
- fisheries
 Agreement on Port State Measures 2009 545
 agreements generally 516
 case law generally 526
 Code of Conduct for Responsible Fisheries 1995 520
 Compliance Agreement 1993 519
 conservation generally 509
 destructive fishing practices
 bottom trawling 542
 driftnet fishing 541
 regulation generally 540
 detained fishing vessels, 'prompt release' cases 532
 endangered species, 'introduction from the sea' 412
Estai case 527
 FAO regulation *see* UN Food and Agriculture Organization (FAO)
 FAO voluntary guidelines for flag state performance 2014 546
 first bilateral conventions 23
 Fish Stocks Agreement 1995 *see* Fish Stocks Agreement 1995
Fisheries Jurisdiction case 512
 Food and Agriculture Organization (FAO) 510
 High Seas Fishing and Conservation Convention 1958 28
 illegal, unreported and unregulated (IUU) fishing
 Agreement on Port State Measures 2009 545
 ITLOS Advisory Opinion 2015 546
 regulation generally 543
- law
 key developments 509
 relevance of Pacific Fur Seal Arbitration 509
Lobsters from Canada case (1990) *see* lobsters
M/V Virginia G Case 548
 oysters *see* oysters
 problems in management of 516
 'prompt release' cases as to detained fishing vessels 532
- regional agreements
 common features 525
 cooperation between 525
 deep-sea ecosystem protection 555
 effectiveness of 525
 establishment by treaty 525
 further reforms 526
 independent review 525
 mandate, membership and scope 524
 non-fisheries bodies 524
 range of measures used by 525
 'regional fishery management organisations' (RFMOs) 521
 UN General Assembly resolutions 525
 UNCLOS provisions for 518, 521
- salmon *see* salmon
 shrimp *see* *Shrimp/Turtle* cases
South China Sea Arbitration (Philippines v. China) 531
Southern Bluefin Tuna cases *see* *Southern Bluefin Tuna* cases
- Stockholm Conference and Declaration 1972 513
 Straddling Stocks Agreement 1995 *see* Fish Stocks Agreement 1995
Swordfish case 529
 tuna *see* tuna
 UNCLOS/ITLOS 511
- fishing vessels
 'prompt release' cases 532
- flag states
 compliance measures in Fish Stocks Agreement 519
 FAO voluntary guidelines for performance as to fisheries 546
- force, justified use to protect environment 828
- foreign investment
 current state of regulation 925
 dispute settlement 904
 MIGA scheme 916
- investment treaties
 bilateral treaties (BITs) 901
 importance of 901
 multilateral agreements 901
 protection of property rights of aliens 900
 issues generally 900
 jurisprudence 905
- Multilateral Investment Guarantee Agency scheme 916
 substantive rules in treaties 901
 sustainable development 932
 WSSD Plan of Implementation 258–9
- Forest Principles
 operation of 429
 trade measures in 849
- forests
 Agenda 21 429
 International Tropical Timber Agreement 2006 428
 land-use, land-use change and forestry (LULUCF) activities 314
 REDD/REDD+ *see* REDD; REDD+ regulatory regime generally 428
 UN Forest Instrument 2007 430
 UN Forum 429
- fossil fuels
 taxes on 134
- Framework Convention on Climate Change *see* Climate Change Convention 1992
- France
Asbestos case (2000) 865
 atmospheric nuclear tests disputes 27, 96, 209, 255
Erika claim 787
 exchange of nuclear accident information with UK 699
Haven case 785
Lac Lanoux case 341
 Rhine dispute with Netherlands 369
 underground nuclear tests dispute with New Zealand 666
- free trade agreements (FTAs)
 Canada–United States *see* Canada–United States Free Trade Agreement
 conflict with environmental treaties 845
 NAFTA *see* North American Free Trade Agreement (NAFTA)
- freshwater resources
 Articles on Transboundary Aquifers 344
 Berlin Rules 343
 Canada–United States Boundary Waters Treaty 371
 Convention on the Protection and Use of Transboundary Watercourses and International Lakes 363
Costa Rica v. Nicaragua cases 359
 current state of regulation 381
 customary law generally 339
 demand for water 338
Gabčíkovo–Nagyymaros case *see* *Gabčíkovo–Nagyymaros* case
 global rules generally 360
 Great Lakes Water Quality Agreement 372
 Groundwaters Rules 343
Gut Dam case 371
 Helsinki Rules 342
 ILA Rules 342

- freshwater resources (cont.)
Indus Waters Kishenganga
 Arbitration 355
 Indus Waters Treaty 355
 Israel–Jordan Peace Treaty provisions 380
 issues generally 337
 jurisprudence generally 340–1
Lac Lanour case 341
 Mekong River Basin Agreement 377
 Niger Basin *see* Niger Basin
Pulp Mills case 351
 regional agreements
 Africa generally 374
 Americas generally 370
 Asia generally 377
 Europe generally 366
 generally 366
 Middle East generally 379
 Rhine treaties *see* Rhine
 sources of fresh water 72
 Southern Africa *see* Africa
 Statute of the River Uruguay (Argentina/Uruguay) 351
 Subcontinental Asia *see* Asia
 threats to supplies 338
 treaties generally 337
 Water Framework Directive 344
 water stress 338
 Watercourses Convention *see*
 Watercourses Convention
 1997
 Zambezi River *see* Zambezi River
- fur seals *see Pacific Fur Seal*
 Arbitration
- future developments
 developing countries, role of 935
 enforcement/implementation
 challenges 936
 governance challenges 933
 individuals' role in 935
 issues generally 930
 NGOs, role of 934
 non-state actors, role of 933
 regulatory development 938
 scientific community, role of 934
- future generations
 and sustainable development 221
- Gabčíkovo–Nagyymaros* case
 background 345
 compensation ruling 754
 Czech and Slovak arguments 348
 environmental impact assessment
 676
 future conduct of parties 349
 Hungary's arguments 346, 349
 importance of judgment 350
 main issues 345
 'provisional solution', legality of
 348
 reparation 350
 Special Agreement for ICJ
 arbitration 346
- 'state of ecological necessity'
 defence 346
 sustainable development ruling 219
 termination of 1977 Treaty, legality
 of 349
- Ganges River Treaty 1996
 operation of 378
- gasoline
Reformulated Gasoline case (1996)
 856
- General Agreement on Tariffs and
 Trade (GATT) *see* WTO/GATT
- General Agreement on Trade in
 Services (GATS) 1994
 adoption of 850
- general principles and rules
 application generally 125
 binding international instrument
 as to 200
 chapter scope and content 197
 common but differentiated
 responsibility principle *see*
 common but differentiated
 responsibility principle
 cooperation principle *see*
 cooperation principle
 current state of regulation 248
 definition of 'rule' 199
 distinction between principles and
 rules 199
 equity *see* equity principle
 existence of 197
 legal status of 198
 list of 198
 polluter pays principle *see*
 polluter pays principle
 precautionary principle *see*
 precautionary principle
 preventive action principle *see*
 preventive action principle
 principles and rules generally 199
 responsibility not to cause
 environmental damage *see*
 environmental damage
 sovereignty over natural resources
 see sovereignty over natural
 resources
 sustainable development *see*
 sustainable development
- genetic resources
 2010 Protocol *see* Nagoya Protocol
 on Access to Genetic
 Resources and Benefit-
 Sharing 2010
 access provisions in Biodiversity
 Convention 394, 403
 Bonn Guidelines on Access 2002
 395
 Plant Genetic Resources Treaty
 intellectual property
 provisions 729
- genetically modified organisms
 (GMOs)
EC-Biotech case 238, 879
- Geneva Convention on Civil Liability
 for Damage Caused during
 Carriage of Dangerous
 Goods by Road, Rail and
 Inland Navigation Vessels
 (CRTD) 1989
 operation of 792
- Geneva Conventions 1949
 environmental protection
 provisions 832, 835
- Germany
 environmental rights jurisprudence
 819, 827
German Renewable Energy case
 886
- 'global commons'
 extent of 12
 international protection of 12
 trade measures protecting 844
- global conservation
 'Caring for the Earth' Strategy 1991
 38
 World Conservation Strategy 1980
 38
- Global Environment Facility (GEF)
 funding for protection measures 9
- global organisations *see* UN
- Global Plan of Action (GPA) 1995
 marine pollution from land-based
 sources 476
- global stocktake
 Paris Climate Agreement 2015 329
- Globally Harmonized System of
 Classification and Labelling
 of Chemicals (GHS)
 implementation 580
- good faith, principle of
 application of 125
- Gothenburg Protocol to Abate
 Acidification,
 Eutrophication and
 Ground-Level Ozone 1999
 operation of 270
- government official communications
 binding obligations arising from
 125
- Great Lakes Water Quality Agreement
 operation of 372
- Greece
 environmental rights jurisprudence
 825
- Green Climate Fund (GCF) 328
- Group of 77
 regulatory role of 54
- Group on International Aviation and
 Climate Change (GIACC)
 332
- Guinea-Bissau
M/V Virginia G Case 548
- Gulf of Aden
 UNEP Regional Seas Programme
 468
- Gut Dam* case
 description 371

953 Index

- Hague Conventions 1899–1907
 ‘Martens Clause’ 832
 Hague Declaration on the Environment 1989
 human rights provisions 815
 halons
 control measures 283
Handelskwekerij G. J. Bier v. Mines de Potasses d’Alsace
 non-state actor enforcement ruling 165
Haven case
 liability ruling 785
 hazardous activities
 accidents *see* accidents
 agriculture 608
 chemicals *see* chemicals and pesticides
 civil liability provisions
 Council of Europe *see* Council of Europe
 UNECE 801
 current state of regulation 627
 energy 604
 ILC Draft Articles on Prevention of Transboundary Harm from Hazardous Activities
 environmental impact assessment (EIA) 661
 preventive action principle 211
 mining 606
 nuclear activities *see* nuclear activities and radioactive substances
 other hazardous activities generally 603
 tourism 609
 transportation 609
 working environment 590
 hazardous/toxic substances
 accidents *see* accidents
 Bonn Agreements 1969 and 1983 *see* North Sea
 chapter scope and content 572
 chemicals *see* chemicals and pesticides
 civil liability provisions
 Council of Europe *see* Council of Europe
 UNECE 801
 early conventions 24
 Hazardous and Noxious Substances (HNS) Protocol 2000 503
 noxious bulk liquids carried by ship 490
 ‘off-site transfer’, definition of 713
 packaged harmful substances carried by ship 490
 pesticides *see* chemicals and pesticides
 ‘pollutant’, definition of 713
 ‘release’, definition of 713
 Rio Declaration 1992 570
 Stockholm Conference and Declaration 1972 570
 transport *see* transportation
 wastes *see* waste
 hazardous/toxic wastes *see* waste
 HCFCs (hydrochlorofluorocarbons)
 control measures 284
 health and safety protection
 technical barriers to trade (WTO/GATT) 871
 health NGOs
 regulatory role of 91
 heavy metals
 Aarhus Protocol 1998 268
 Minamata Mercury Convention 2013 276, 608
 HELCOM Convention 1992
see Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Helsinki Convention)
 Helsinki Rules on the Uses of the Waters of International Rivers 1966
 operation of 342
 heritage *see* world heritage
 high seas *see* fisheries; marine environment
 High-Level Political Forum on Sustainable Development (HLPF)
 establishment 67
 meetings 67
 tasks 67
 history
 main themes 22
 post Rio+20 follow-up 49
 pre-UN conventions 22
 Rio+20 Summit 48
 stages 21
 from Stockholm to Rio 33
 UN period 26
 UNCCUR period 26
 UNCED 39
 after UNCED 45
Hormone Relaxin case 918
 human rights
 African Charter *see* African Charter of Human and Peoples’ Rights (African Charter) 1981
 American Convention on Human Rights *see* American Convention on Human Rights (ACHR) 1969
 children *see* children
 civil and political rights *see* civil and political rights
 ‘climate justice’ 818
 committees with environmental monitoring role 69
 and corporate sector 94
 courts and dispute settlement generally 189
 current state of regulation 837
 development of international human rights law 813
 ‘environmental discrimination’ 818
 environmental issues generally 811 and environmental protection 814
 ‘environmental racism’ 818
 EU Charter *see* EU Charter of Fundamental Rights
 European Commission *see* European Commission on Human Rights
 European Convention *see* European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) 1950
 European Court *see* European Court of Human Rights
 European Social Charter 814
 of future generations 221
 ICCPR *see* civil and political rights
 ICESCR *see* International Covenant on Economic Social and Cultural Rights (ICESCR) 1966
 indigenous peoples *see* indigenous peoples
 Inter-American Court *see* Inter-American Court of Human Rights
 link with environmental protection, practical consequences 817
Mangouras v. Spain 486
 natural resources 819
 Paris Climate Agreement 2015 319
 and precautionary principle 238
 property rights 824
 provisions in environmental instruments 812
 international law 817
 national laws 816
 Rio Declaration 1992 812
 UN Charter provisions 813
 UN statements on environment and human rights 814
 Universal Declaration of Human Rights (UDHR) 1948 814
 water *see* water
 Human Rights Commission (UN)
 statements on environmental rights 815
 Human Rights Council (UN)
 statements on environmental rights 815
 humanitarian law *see* war and armed conflict
 Hungary
Gabčíkovo–Nagyymaros case *see* *Gabčíkovo–Nagyymaros* case
 hydrochlorofluorocarbons (HCFCs)
 control measures 284, 331

- ICCPR 1966 *see* civil and political rights
 illegal, unreported and unregulated (IUU) fishing *see* fisheries
 ‘impact’, definition of 667
 implementation
 national compliance 148
 national law 147
 Paris Climate Agreement 2015 328
 reporting 152
 generally 147
 UNCLOS provisions 464
 imports
 protection from harmful
 environmental effects 844
 restrictions on environmental
 grounds
 ECJ 883
 EU 846
 WTO/GATT 846
 incidents *see* accidents
 incidents, notification of *see*
 environmental information
 incineration
 EU legislation 367
 India
 Ganges River Treaty 1996 378
 Indus Waters Kishenganga
 Arbitration 355
 Indus Waters Treaty 355
 Sharda (Mahakali) River Treaty
 1996 378
 Shrimp/Turtle cases (1998, 2001)
 see Shrimp/Turtle cases
 (1998, 2001)
 indigenous peoples
 ECOSOC Forum 70
 environmental rights 816, 819,
 823
 Indigenous and Tribal Peoples
 Convention 1989 819, 827
 regulatory role of 94
 individuals
 regulatory role of 94
 role in future developments 935
 Indus Waters Treaty 1960
 Indus Waters Kishenganga
 Arbitration 355
 operation of 355
 industrial accidents *see* accidents
 industrial wastes *see* waste
 information *see* environmental
 information
 Institut de Droit International (IDI)
 transboundary air pollution
 resolution 739
 watercourses regulations 24
 insurance guarantees *see* foreign
 investment
 ‘integrated management’ of marine
 environment 457
 integrated pollution control and
 environmental
 management
 background 139
 intellectual property
 Agenda 21 727
 Agreement on Trade-Related
 Aspects of Intellectual
 Property Rights (TRIPs)
 adoption of 850
 conflict with Nagoya Protocol
 845
 operation of 920
 technology transfer 727
 Biodiversity Convention 1992
 728
 and climate change regime 730
 current state of regulation 733, 926
 definition of 727
 interaction with environment 916
 legal issues as to technology
 transfer 727
 Nagoya Protocol 729
 patents *see* patents
 and traditional knowledge 922
 Treaty on Plant Genetic Resources
 729
 Inter-American Commission on
 Human Rights
 jurisprudence 823
 Inter-American Convention for the
 Protection and
 Conservation of Sea Turtles
 1996 863
 Inter-American Court of Human
 Rights
 environmental rights jurisprudence
 826
 jurisprudence 824
 Intergovernmental Panel on Climate
 Change (IPCC)
 regulatory role of 81
 Intergovernmental Science–Policy
 Platform on Biodiversity
 and Ecosystem Services
 (IPBES)
 establishment of 408–9
 International Atomic Energy Agency
 (IAEA)
 Joint Safety Convention 1997 596
 Liability Standing Committee 754,
 777
 Notification Convention 1986 701
 Nuclear Safety Convention 1994
 595
 radioactive wastes regulation 625
 regulatory role of 78
 reporting of incidents, provisions
 for 700
 statement on prohibition of attacks
 on nuclear facilities 833
 Vienna Convention 764 *see* Vienna
 Convention on Civil
 Liability for Nuclear
 Damage 1963
 International Bank for Reconstruction
 and Development (IBRD)
 activities 79
 International Centre for Settlement of
 Investment Disputes (ICSID)
 dispute settlement 904
 International Chamber of Commerce
 (ICC)
 regulatory role 92
 International Civil Aviation
 Organization (ICAO)
 Aircraft Emissions Standards 1980
 275
 Carbon Offsetting and Reduction
 Scheme for International
 Aviation (CORSA) 332
 Convention 1944 275
 Group on International Aviation
 and Climate Change
 (GIACC) 332
 market-based measure (MBM) for
 CO₂ emissions control 332
 Programme of Action on
 International Aviation and
 Climate Change 332
 regulatory role of 77
 International Code for Ships
 Operating in Polar Waters
 (Polar Code) 2017
 operation of 493
 international conferences *see*
 conferences
 International Court of Justice (ICJ)
 advisory opinions 182, 210
 application of general principles of
 law 125
 contentious cases 181
 dispute settlement generally 180
 equity principle 126
 good faith principle 125
 interim measures of protection 183
 jurisprudence
 future generations, rights of
 222
 preventive action principle 211
 Nuclear Weapons Advisory
 Opinion 831, 835
 nuclear weapons case 210
 opinio juris 121
 persistent objector 124
 regional custom 124
 regulatory role of 72
 ruling on duty of states as to rights
 of other states 28
 state practice as custom 120
 and sustainable development 10
 treaties and custom 122
 international courts
 dispute settlement generally 180
 International Covenant on Civil and
 Political Rights (ICCPR)
 1966 *see* civil and political
 rights
 International Covenant on Economic,
 Social and Cultural Rights
 (ICESCR) 1966 814
 international crimes liability 760

955 | Index

- International Criminal Court (ICC)
 definition of environmental
 damage as war crime 834
- International Development
 Association (IDA)
 activities 79
- international environmental law *see*
 environmental law and
 regulation
- International Finance Corporation
 (IFC)
 activities 79
- international humanitarian law *see*
 war and armed conflict
- international institutions
 dispute settlement via 170
- international instruments 139
 OECD definition of 139
 OECD Recommendation and
 Guidance 139–40
- International Labour Organization
 (ILO)
 regulatory role of 76
- international law *see also*
 environmental law and
 regulation
- adjudicative (judicial) function 11
- administrative function 11
- customary *see* customary law
- equality of states, doctrine of 12
- equity principle 126
- functions of 11
- general principles 125
- international organisations, role of
 13
- journals 20
- lawmaking process generally 101
- legal order and environmental
 issues generally 10
- legislative function 11
 and liability 739
- non-state actors, role of *see* non-
 state actors
- protection of ‘global commons’ 12
- relations between agreements
 113
- sovereignty, doctrine of 12
- subsidiary sources of 127
- International Law Association (ILA)
 Helsinki Rules 342
 rules as to freshwater resources 342
 statement on prohibition of attacks
 on water facilities 833
- International Law Commission (ILC)
 Articles on State Responsibility 779
 enforcement by states,
 provisions as to 153
 liability provisions 739
 Articles on Transboundary
 Aquifers 2008 344
 Code of Crimes Against the Peace
 and Security of Mankind
 (draft) 833
 criminal liability of states 760
- Draft Articles on Prevention of
 Transboundary Harm from
 Hazardous Activities *see*
 hazardous activities
- environmental protection
 initiatives 931
 regulatory role of 66
 state liability initiatives 769
- International Maritime Organization
 (IMO)
 Bunker Fund Convention 2001 788
 environmental protection
 initiatives 931
 global conventions 28
 regulatory role of 75
- International Monetary Fund (IMF)
 regulatory role of 79
- International Oil Pollution
 Compensation Fund (IOPC)
 practice 784
- international organisations
 activity post-UNCED 46
 acts of
 examples of 116
 legal effect of 117
 types of 116
 ‘common law’ of 117
 cooperation and coordination
 role of 57
 developmental role as to legal
 obligations 58
 dispute settlement function 59
 enforcement by 160
 established by environmental
 treaties 88
 functions of 57
 history 24, 55
 implementation function 58
 increase in role of 35
 information exchange function
 58
 regulatory role of 13, 55, 58, 116
 reporting by 689
- International Plant Protection
 Convention 1997
 operation of 427
- International Seabed Authority
 regulatory role of 81, 497
- international trade *see* competition;
 trade
- International Tribunal for the Law of
 the Sea (ITLOS) *see*
 UNCLOS/ITLOS
- International Union for Conservation
 of Nature (IUCN)
 establishment of 26
- International Whaling Commission
 (IWC)
 operation of 534
- International Whaling Convention
 1948
 problem of defining ‘whale’ 14
- Intervention Convention 1969
 operation of 501
- Intervention Protocol 1973
 operation of 501
 ‘introduction from the sea’ of
 endangered species 412
 investment *see* foreign investment
 investment incentives
 regulation via 137
- IOPC Fund
 practice 784
- Iraq
 liability for environmental damage
 during Kuwait invasion 71,
 742, 835
 UN Compensation Commission 755
- Ireland
 environmental rights jurisprudence
 823
MOX case *see* *MOX* case
- Israel–Jordan Peace Treaty 1994
 freshwater resources provisions
 380
- Italy
 environmental rights jurisprudence
 821
Haven case 785
Patmos claim 784
- IUCN draft International Covenant on
 Environment and
 Development
 publication of 816
- Japan
Southern Bluefin Tuna cases *see*
Southern Bluefin Tuna
 cases
Whaling in the Antarctic case 536
- Johannesburg Declaration on
 Sustainable Development
 2002 48
- Johannesburg Plan of
 Implementation 779
 importance for marine
 conservation 508
 marine conservation objectives 549
- Johannesburg ‘Principles on the Role
 of Law and Sustainable
 Development’ 148
- Joint Group of Experts on Scientific
 Aspects of Marine Pollution
 (GESAMP)
 regulatory role of 81
- joint implementation
 Kyoto Protocol provisions 310
 regulation via 135
- Jordan
 Al-Sag/Al-Disi Aquifer Agreement
 with Saudi Arabia 380
 Israel–Jordan Peace Treaty 1994,
 rivers agreement 380
- judicial (adjudicative) function of
 international law 11
- jurisprudence *see also* courts and
 tribunals
 as subsidiary source of law 127

- Kosovo
 environmental protection
 intervention by NATO 828
- Kuwait
 environmental damage by Iraq
 invasion 71, 742, 835
 UN Compensation Commission 755
- Kuwait Exploration Protocol 1989
 499
- Kyoto Protocol 1997
 CDM *see* Clean Development
 Mechanism (CDM)
 compliance provisions 316
 developing countries 315
 emissions trading 310
 enforcement incentives 136
 flexibility mechanisms 310
 joint implementation 310
 land-use, land-use change and
 forestry (LULUCF) activities
 314
 Marrakesh Accords *see* Marrakesh
 Accords 2001
 monitoring, provisions for 706
 non-compliance procedures and
 dispute settlement 173
 policies and measures 309
 provisions generally 307
 reporting, provisions as to 315, 691
 sinks, provisions as to 313
 targets and timetable 308
 technology transfer 726
 tradeable permits 135
 transport-related emissions 331
- Lac Lanoux* case 341
- lakes
 1992 Convention *see*
 Transboundary
 Watercourses and
 International Lakes
 Convention 1992
- land and soil *see also* deserts
 regulatory regime generally 431
- landscape *see* world heritage
- land-use, land-use change and
 forestry (LULUCF) activities
 Marrakesh Accords 314
- Laos
 Mekong River Basin Agreement
 377
- law of the sea *see* UNCLOS/ITLOS
- law reports
 bibliography 20
- lawyers and legal groups *see also*
 International Law
 Association (ILA);
 International Law
 Commission (ILC)
 jurists' writings as source of law
 121
 regulatory role of 25, 92
 legislative function of international
 law 11
- liability
 chapter scope and content 736
 civil *see* civil liability and
 compensation, common issues 737
 nuclear incidents *see* nuclear
 activities and radioactive
 substances
 purposes of rules 736
 regulation generally 735
 Rio Declaration 1992 736, 746, 803
 rules as to environmental damage
 735–6
 state *see* states
 Stockholm Declaration 746
- Lithuania
 dispute settlement under ICSID
 914
- living modified organisms (LMOs)
 Biodiversity Convention 1992 396
 Biosafety Protocol *see* Biosafety
 Protocol 2000
- liability regime 938
- living resources *see* birds; fisheries;
 marine life; marine
 mammals; wildlife
- Lomé Convention 1989
 definition of hazardous/toxic
 wastes 219
- Lomé Convention 1989
 sustainable development 219
- London Convention 1933
 trade measures in 843
- London Convention 1972
 dumping at sea
 generally 480
 operation of 480
 Protocol 1996 480, 482
 waste incineration regulation 617
- London Guidelines for the Exchange
 of Information on
 Chemicals in International
 Trade 1987
 operation of 586
- London Protocol 1996
 ocean fertilisation resolution 937
- Long Range Transboundary Air
 Pollution Convention
 (LRTAP) 1979
 definition of 'environment' 15
 operation of 261
 state liability provisions 764
- 'loss and damage' measures
 Paris Climate Agreement 2015 326
- Lubrizol Genetics Inc.*
 case description 917
- Lugano Civil Liability Convention
 1993 *see* civil liability and
 compensation
- Lugano Convention on Jurisdiction
 and Enforcement of
 Judgments in Civil and
 Commercial Matters 1988
 non-state actor enforcement
 provisions 166
- Lusaka Agreement on Co-operative
 Enforcement Operations
 Directed at Illegal Trade in
 Wild Fauna and Flora
 (Lusaka Agreement) 1994
 operation of 440
- Luxembourg *see* Benelux
- Madrid Offshore Protocol 1994
 operation of 499
- Mahakali (Sharda) River Treaty 1996
 operation of 378–9
- 'major accident'
 definition of 575
- Malaysia
Shrimp/Turtle cases *see* *Shrimp/
 Turtle* cases
- Mangouras v. Spain*
 human rights case 486
- marine environment *see also* marine
 life
 Agenda 21 457–8, 462, 508
 agreement for new treaty 2015 458
 Arabian Gulf *see* Arabian Gulf
 archipelagic waters conservation
 measures 514
 Atlantic, North East *see* North Sea
 atmospheric pollution from land-
 based sources 477
- Baltic Sea
 Helsinki Convention 1992 474
- Black Sea *see* Black Sea
- challenges to 455
 chapter scope and content 459
 civil liability and compensation
 790
 conservation measures *see also*
 birds; fisheries; marine life;
 marine mammals
 archipelagic waters 514
 continental shelf 514
 exclusive economic zone (EEZ)
see UNCLOS/ITLOS
 high seas 516
 territorial waters 514
 continental shelf conservation
 measures 514
 current state of regulation 564
 dumping at sea
 London Convention 1972 *see*
 London Convention 1972
 OSPAR Convention 1992 484
 other agreements 485
 regional agreements generally
 483
 regulation generally 479
 UNCLOS general principles 479
 UNEP Regional Seas Protocols
 485
 ecosystem approach to regulation
 457
 environmental emergencies
 Bonn Agreements 1969 and
 1983 504

- Hazardous and Noxious Substances (HNS) Protocol 2000 503
- Intervention Convention 1969 501
- Intervention Protocol 1973 501
- London International Convention on Oil Pollution Preparedness, Response and Co-operation Convention (OPRC Convention) 1990 503
- regulation generally 500
- Salvage Convention 1989 502
- UNEP Regional Seas Protocols 504
- exclusive economic zone (EEZ) *see* UNCLOS/ITLOS
- Gulf of Aden and Red Sea Regional Seas Programme 468
- high seas conservation measures 516
- High Seas conventions 1958 28
- importance of 455
- 'integrated management' 457
- International Code for Ships Operating in Polar Waters (Polar Code) 2017 493
- international law of, development of 460
- jurisprudence 458
- liability and compensation for damage 505, 790
- Mediterranean *see* Mediterranean North Sea *see* North Sea
- ocean fertilisation, initiatives to limit 937
- oil pollution *see also* pollution from ships below
- Deepwater Horizon accident 496
- early conventions 24
- Oil Fund Convention 1992 161
- Pacific Ocean *see* Pacific Region
- pollution from land-based sources
- atmospheric pollution 477
- Global Plan of Action (GPA) 1995 476
- HELCOM Convention 1992 477
- OSPAR Convention 1992 477
- regional agreements generally 477
- regulation generally 476
- UNCLOS 477
- UNEP Regional Seas Protocols 478
- pollution from ships
- AFS Convention 2001 494
- atmospheric pollution 333
- MARPOL, 73/78
- air pollution (Annex VI) 491
- garbage (Annex V) 491
- noxious bulk liquids (Annex II) 490
- oil pollution (Annex I) 489
- operation of 488
- packaged harmful substances (Annex III) 490
- sewage (Annex IV) 491
- other agreements 494
- Prestige* accident 486
- Recycling of Ships Convention 2009 495
- regulation generally 486
- safety agreements 495
- Ships' Ballast Water and Sediments Convention 2004 494
- Torrey Canyon* incident 780
- UNCLOS 487
- protective regime generally 459
- Red Sea and Gulf of Aden UNEP Regional Seas Programme 468
- regional agreements generally 464
- UNEP *see* UN Environment Programme (UNEP)
- regulation generally 455
- regulatory challenges 457
- regulatory innovations 458
- seabed *see* seabed
- Stockholm Declaration 461
- Sustainable Development Goals on marine issues 458
- territorial waters conservation measures 514
- threats to 456
- treaty development 460
- UNCLOS *see* UNCLOS/ITLOS
- marine life
- biodiversity conservation
- Agenda 21 549
- beyond national boundaries 406
- Biodiversity Convention 1992 552
- deep-sea ecosystems
- Biodiversity Convention 1992 556
- FAO regulation 558
- protective regime generally 555
- UN General Assembly resolutions 556
- UNCLOS *see* UNCLOS/ITLOS
- regional agreements 553
- regulation generally 548
- Sustainable Development Goal 14 550
- UN General Assembly resolutions 550
- UNCLOS *see* UNCLOS/ITLOS
- birds
- conservation measures 540
- conservation generally 506
- Johannesburg Plan of Implementation 779
- importance of 508
- marine protected areas (MPAs)
- in areas beyond national jurisdiction 562
- Chagos Archipelago dispute 560
- definition of 559
- under national jurisdiction 560
- regulation generally 558
- objectives 507
- and state jurisdiction 508
- UNCLOS/ITLOS *see* UNCLOS/ITLOS
- endangered species, 'introduction from the sea' 412
- fisheries *see* fisheries
- mammals *see* marine mammals
- numbers and types of 506
- threats to 506
- turtles *see* turtles
- Marine Mammal Sanctuary in the Mediterranean (Pelagos Sanctuary)
- 1999 Agreement establishing 539
- marine mammals
- ACCOBAMS 1996 539
- ASCOBANS 1992 538
- conservation generally 533
- NAMMCO 1992 539
- seals *see* seals
- whales, problem of defining 14
- whaling *see* whaling
- marine protected areas (MPAs) *see* marine life
- market-based measure (MBM) for CO₂ emissions control 332
- MARPOL 73/78 *see* marine environment
- Marrakesh Accords 2001
- carbon sources and sinks 314
- Clean Development Mechanism (CDM) 311
- content of 308
- flexibility mechanisms 311
- land-use, land-use change and forestry (LULUCF) activities 314
- Marrakesh Action Proclamation for our Climate and Sustainable Development 784
- adoption of 330
- Marrakesh Agreements *see* General Agreement on Trade in Services (GATS) 1994
- Marshall Islands
- nuclear testing claims 754
- 'Martens Clause'
- scope of 832
- Mauritius
- Chagos Archipelago MPA dispute 179, 560
- media
- regulatory role of 95
- mediation
- dispute settlement by 170

- Mediterranean
 ACCOBAMS 1996 539
 Madrid Offshore Protocol 1994 499
 Marine Mammal Sanctuary
 (Pelagos Sanctuary) 539
 UNEP Regional Seas Programme
 467
- Mekong River Basin Agreement 1995
 operation of 377
- mercury
 Minamata Mercury Convention
 2013 276, 583, 608
- methylchloroform
 control measures 284
- Mexico
 Border Environment Cooperation
 Commission (with US) 893
 dispute settlement under NAFTA
 906
 Hazardous Waste Agreement with
 US 612
 NAFTA *see* North American Free
 Trade Agreement (NAFTA)
 North American Development
 Bank 893
Tuna/Dolphin cases (1991, 1994)
 854
Tuna/Dolphin II case (2012) 869
 yellow-fin tuna *see* *Yellow-Fin
 Tuna* case
- Middle East
 freshwater resources
 Israel–Jordan Peace Treaty 1994
 380
 Jordan–Saudi Arabia Al-Sag/Al-
 Disi Aquifer Agreement
 2015 380
 regional agreements 379
- migratory birds
 early conventions 23
- migratory species
 Bonn Convention 1979 417
 Stockholm Declaration 417
- Minamata Mercury Convention 2013
 operation of 276, 583, 608
- mining
 environmental hazards 606
 wastes *see* waste
- monitoring *see* environmental
 information
- mono-nitrogen oxides *see* nitrogen
 oxides
- Montevideo Programme 1981
 operation of 36
- Montreal Protocol 1987
 adjustments and amendments 280
 amendment provisions 115
 compliance 289
 control of production and
 consumption 282
 additional CFCs 283
 bromochloromethane 285
 carbon tetrachloride 284
 CFCs 283
- halons 283
 HCFCs 284
 hydrobromofluorocarbons 284
 methyl bromide 284
 methylchloroform 284
 transfer of production 286
- control of trade 286
- controlled substances 282
- developing countries 287
- enforcement incentives 136
- financial assistance 288
- HFCs, phase out of 331
- institutional provisions 289
- Multilateral Fund 723
- national implementation
 provisions 151
- non-compliance procedures and
 dispute settlement 172
- reporting, provisions as to 289
- technology transfer 288, 723
- trade control measures 844, 846
- tradeable permits 135
- motor vehicles
Retreaded Tyres case (2007) 867
- MOX case
 cooperation principle ruling 216
 environmental impact assessment
 ruling 664
 information access ruling 709
 jurisdiction arguments 114
- Multilateral Investment Guarantee
 Agency (MIGA)
 scheme operation 916
- municipal waste *see* waste
- Myanmar (Burma)
 Mekong River Basin Agreement
 1995 377
- Nagoya Protocol on Access to Genetic
 Resources and Benefit-
 Sharing 2010
 adoption of 396
 conflict with TRIPs Agreement 845
 intellectual property 729
 operation of 403, 725
 prior informed consent (PIC) 697
- NAMMCO 775
 operation of 539
- national implementation of
 international rules
 importance of 16
- national measures on environmental
 rights
 general features of 816
- nationally determined contributions
 (NDCs)
 Paris Climate Agreement 2015 321
- NATO
 environmental protection
 intervention in Kosovo 828
- natural heritage *see* world heritage
- natural resources
 as ‘global commons’ 12
 rights to 819
- sovereignty over *see* sovereignty
 over natural resources
- states’ control of 12
- sustainable use of 222
- UNCCUR 27
- nature
 conservation *see* wildlife
 definition of 14
- Nauru
*Case Concerning Certain Phosphate
 Lands in Nauru* 72, 606
- NDCs (nationally determined
 contributions)
 Paris Climate Agreement 2015 321,
 335
- negotiation
 dispute settlement by 168
- Nepal
 Mahakali (Sharda) River Treaty
 1996 379
- Netherlands *see also* Benelux
Arctic Sunrise case 497
 Biotechnology Directive litigation
 921
 Rhine dispute with France 369
- New Zealand
 French atmospheric nuclear tests
 disputes 27, 96, 209, 255
 French underground nuclear tests
 dispute 666
Southern Bluefin Tuna cases *see*
Southern Bluefin Tuna cases
- Nicaragua
 indigenous peoples’ rights 824
 San Juan River pollution litigation
 with Costa Rica 359
- Niger Basin
 regional agreements 374
- Nigeria
 environmental rights jurisprudence
 825
- nitrogen oxides
 NOx Protocol 1988 263
- non-binding instruments
 environmental impact assessment
 658
 forests 430
 plant genetic resources 425
 types of 116
- non-compliance procedures
 dispute settlement via 172
- non-governmental organisations
 (NGOs)
 instruments negotiated by 35
 regulatory role of 91
 reporting by 694
 role in future developments 934
- Non-legally binding instrument on all
 types of forests (NLBI) 2007
 (now UN Forest Instrument)
 430
- non-municipal waste *see* waste
- Non-Proliferation Treaty 1968
 operation of 602

959 Index

- non-state actors
 Aarhus Convention 1998 90
 Agenda 21 provisions 89
 corporate sector 92
 indigenous peoples *see* indigenous peoples
 individuals 94
 legal groups 92
 media 95
 NGOs *see* non-governmental organisations (NGOs)
 OSPAR Convention 1992 90
 public participation, information access *see* environmental information
 regulatory role of 13, 89
 role in future developments 933
 scientific community *see* scientific community
- non-technical barriers to trade
 NAFTA restrictions on 889
- Nordic Environmental Protection Convention 1974
 definition of 'environment' 15
 operation of 662
- North American Agreement on Environmental Cooperation 1993
 Border Environment Cooperation Commission 893
 North American Development Bank 893
- North American Development Bank establishment of 893
- North American Free Trade Agreement (NAFTA)
 Agreement on Environmental Cooperation 892
 agricultural measures 888
 competition 891
 dispute settlement 177, 891, 904
 environmental provisions generally 887
 establishment of 887
 foreign investment provisions 902
 Free Trade Commission 891
 jurisprudence 905
 non-technical barriers to trade 889
 phytosanitary measures 888
 sanitary measures 888
 trade measures restricted under 888
- North Atlantic Treaty Organization *see* NATO
- North Sea
 Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) 1992 538
 Bonn Agreements 1969 and 1983 adoption of 472
 environmental emergencies provisions 504
- OSPAR Convention *see* OSPAR Convention 1992
 protective regime generally 472
- North-east Pacific
 UNEP Regional Seas Programme 468
- Norway
Anglo-Norwegian Fisheries case 124
- Noumea Convention 1986
 environmental impact assessment 666
- nuclear activities and radioactive substances *see also* International Atomic Energy Agency (IAEA)
 border area cooperation 599
 Chernobyl incident *see* Chernobyl incident
 civil liability
 Convention on Supplementary Compensation 1997 779
 Paris Convention 1960 *see* Paris Convention on Third Party Liability in the Field of Nuclear Energy 1960
 regulation generally 771
 Vienna Convention 1963 *see* Vienna Convention on Civil Liability for Nuclear Damage 1963
 Cosmos 954 incident 763
 emergencies 599
 facilities, prohibition of attacks on 833
 notification of incidents 699
 nuclear-free zones 601
 protection of workers and the public 598
 regulatory regime generally 593
 safety generally 595
 Joint Safety Convention 1997 596
 Nuclear Safety Convention 1994 595
- transport 597
- weapons and testing
 atmospheric protection 255
 French atmospheric nuclear tests disputes 27, 96, 255
 ICJ Advisory Opinion 210
 ICJ jurisprudence 209, 831, 835
 Marshall Islands claim 754
 Non-Proliferation Treaty 1968 602
 regulatory regime generally 601
 Stockholm Declaration 829
 Test Ban Treaty 1963 27
- oceans and seas *see* marine environment
- OECD
 Guidelines for multinational enterprises 93
- integrated pollution control *see* integrated pollution control and environmental management
- non-state actor enforcement provisions 164
- Paris Convention 1960 *see* Paris Convention on Third Party Liability in the Field of Nuclear Energy 1960
- recommendation on polluter pays principle 241
 regulatory role of 82
- offshore drilling and exploration *see* seabed
- 'off-site transfer'
 definition of 713
- Oil Fund Convention 775
 enforcement provisions 161
- oil pollution
 Bonn Agreements 1969 and 1983 *see* North Sea
 civil liability
 1992 Convention 780
 Bunker Fund Convention 2001 788
 Fund Convention 775
Erika claim 787
Haven case 785
 IOPC Fund practice 784
 'open' claims 788
 operation of 781
Patmos claim 784
 Supplementary Fund Protocol 2003 783
 private compensation schemes 789
 regulation generally 779
 Convention on the High Seas 1958 28
Deepwater Horizon accident 496
 early conventions 24
 environmental emergencies *see* marine environment
- IMO conventions 28
- London International Convention on Oil Pollution Preparedness, Response and Co-operation Convention (OPRC Convention) 1990 503
- marine environment *see* marine environment
- 'pollution damage', definition of 780
- Prestige* accident 486
- seabed *see* seabed from ships 489
- Torrey Canyon* incident 780
- Oncomouse/Harvard* case 918
- opinio juris*
 as customary law 121
- Organization for Economic Co-operation and Development *see* OECD

- Organization for Security and Co-operation in Europe (OSCE)
 regulatory role of 85
- Organization of African Unity (OAU)
 see African Union
- OSPAR Convention 1992
 adoption of 472
 dumping at sea 484
 enforcement provisions 162
 information access 708
 marine pollution from land-based sources 477
 MOX case 114
 as to non-state actors 90
 operation of 472
 OSPAR Commission 473
 pollution from seabed activities 500
 Protection Strategy 2010–2020 474
 regulatory innovations 472
 special rules 473
- outer space
 Cosmos 954 incident 763
 current state of regulation 293
 Moon Treaty 291
- Outer Space Principles 1992 292
- Outer Space Treaty 1967 291
 regulation generally 290
- Space Liability Convention 1972 762
- oysters
 first bilateral conventions 23
- ozone
 1985 Convention see Vienna Convention for the Protection of the Ozone Layer 1985
 definition of 'ozone layer' 16
 depletion, effects of 277
 Gothenburg Protocol 270
 Montreal Protocol 1987 see Montreal Protocol 1987
 regulatory regime generally 278
 technology transfer 723
- Pacific Fur Seal* Arbitration
 extraterritoriality ruling 25, 203
 importance of 509
- Pacific Region
 biodiversity
 Apia Convention 1976 443
 regional/subregional agreements 443
 fur seals see *Pacific Fur Seal* Arbitration
 North-east Pacific
 UNEP Regional Seas Programme 468
 Regional Economic Commission 70
 regional/subregional organisations 87
 South East Pacific
 UNEP Regional Seas Programme 468
 UNEP Regional Seas Programme 468
- Pakistan
Indus Waters Kishenganga Arbitration 355
 Indus Waters Treaty 355
Shrimp/Turtle cases (1998, 2001) see *Shrimp/Turtle* cases (1998, 2001)
- Panama
M/V Virginia G Case 548
- Paris Climate Agreement 784
 adaptation measures 325
 adoption of 318
 all-party commitment 308
 capacity building 328
 carbon markets 324
 carbon sinks and reservoirs 323
 and Climate Change Convention 1992 302
 climate change management framework 299, 335
 'climate justice', concept of 812
 common but differentiated responsibilities 247, 321
 compliance mechanism 175, 316, 329
 developments post-Agreement 330
 emissions mitigation commitments 322
 entry into force 295
 'environmentally displaced persons' 837
 equity principle 226, 244
 financial assistance for developing countries 151
 financial mechanism 307
 financial resourcing arrangements 327
 flexibility mechanisms 310
 global stocktake 329
 goals and objectives 296, 320
 human rights perspective 319
 impact of 296, 334
 implementation arrangements 308, 328
 institutional arrangements 330
 legal form of 319
 'loss and damage' measures 326
 nationally determined contributions (NDCs) 321, 335
 parties 295
 preamble 319
 principles and rules 200
 REDD+ 315, 323
 reporting obligations 315, 329
 review processes 328
 state liability provisions 769
 sustainable development 219, 229
 technology transfer 328
 trade control measures 844
 transparency framework 303, 329
 universal participation in 939
 US participation 295, 334
 voluntary cooperation 324
- Paris Convention on Third Party Liability in the Field of Nuclear Energy 1960
 1963 Brussels Supplementary Convention 774
 1988 Joint Protocol 778
 2004 Protocol 774
 adoption of 772
 application of 773
 operators' liability 773
- patents
 Biodiversity Convention 921
 environmental limits on grant of 917
 European Patent Convention 917
Hormone Relaxin case 918
Lubrizol Genetics Inc. case 917
Oncomouse/Harvard case 918
Plant Genetic Systems case 918
 TRIPs see intellectual property
- Patmos* claim
 liability ruling 784
- Pelagos Sanctuary (Marine Mammal Sanctuary in the Mediterranean)
 1999 Agreement establishing 539
- persistent objector
 avoidance of customary law by 124
- persistent organic pollutants (POPs)
 Aarhus Protocol 1998 269
 POPs Convention 779
 landfill regulation 618
 operation of 581
 regulation generally 580
- Peru 238, 536
- pesticides see chemicals and pesticides
- petroleum
Reformulated Gasoline case (1996) 856
- Philippines
South China Sea Arbitration 531, 552, 665, 680
- phosphates
Case Concerning Certain Phosphate Lands in Nauru 606
- phylloxera
 early conventions 24
- phytosanitary measures
 NAFTA restrictions on 888
 WTO/GATT see technical barriers to trade (WTO/GATT)
- plants, plant varieties and plant genetic resources
 FAO Undertaking on Plant Genetic Resources 1983 425
 International Plant Protection Convention 1997 427
 International Treaty on Plant Genetic Resources for Food and Agriculture 779
 intellectual property 729
 operation of 424

961 | Index

- Plant Genetic Systems* case 918
 plant protection agreements 427
 regulatory regime generally 424
 Polar Bear Agreement 1973
 operation of 435
 Polar Code 2017
 operation of 493
 polar regions *see* Antarctic; Arctic
 political and civil rights *see* civil and political rights
 political rights *see* civil and political rights
 pollutant *see also* hazardous/toxic substances
 definition of 713
 pollutant release and transfer registers Protocol 780
 operation of 712
 polluter pays principle
 EU provisions 242
 generally 240
 OECD recommendation 241
 Rio Declaration 1992 240
 pollution
 atmospheric *see* atmospheric protection
 definition of 466, 169
 from land into sea *see* marine environment
 liability for
 civil *see* civil liability and compensation
 state *see* states
 marine *see* marine environment
 oil *see* oil pollution
 'pollution damage', definition of 780
 seabed *see* seabed
 POPs *see* persistent organic pollutants (POPs)
 Port State Measures Agreement 2009
 operation of 545
 port states
 compliance measures in Fish Stocks Agreement 519
 precautionary principle
 adoption in treaties 229
 background 229
 continuing evolution of 239
 interpretation of 234
 jurisprudence
 human rights 238
 ICJ 234
 ITLOS 237
 national courts 239
 WTO/GATT 237
 legal status of 198
Prestige accident
 human rights case 486
 preventive action principle
 application of 211
 invocation in treaties 202
 legal status of 198
 Principle 21/Principle 22 distinguished 211
 Principle 21/Principle 22
 responsibility not to
 cause environmental damage *see* environmental damage
 sovereignty over natural resources
see sovereignty over natural resources, principle of
 principles of environmental law *see* general principles and rules
 prior informed consent (PIC)
 adoption of 697
 Biosafety Protocol 2000 697
 Chemicals Convention 1998 697
 Nagoya Protocol 2010 697
 priorities for protection and conservation initiatives 4
 private actors
 role in early regulation 25
 private compensation schemes for oil pollution incidents
 operation of 789
 private sector *see* corporate sector
 process standards
 as direct regulation 131
 product standards
 as direct regulation 130
 Programme of Action on International Aviation and Climate Change
 operation of 332
 'prompt release' cases
 detained fishing vessels 532
 property rights
 indigenous peoples 824
 protection by investment treaties 900
 public participation
 education and awareness 715
 information access *see* environmental information
Pulp Mills case
 description 351
 environmental impact assessment 677
 environmental information reporting requirements ruling 693
 jurisdiction arguments 115
 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat 1971
 operation of 420
 Recycling of Ships Convention 2009
 operation of 495
 Red Sea and Gulf of Aden
 UNEP Regional Seas Programme 468
 REDD
 Copenhagen Accord 2009 314
 management of 65, 74
 purpose of 65
 REDD+
 carbon sources and sinks 314, 323
 Copenhagen Accord 2009 314
 investment incentives 137
 Paris Climate Agreement 2015 315, 323
 reducing emissions from deforestation and forest degradation in developing countries (REDD/REDD+) *see* REDD; REDD+
Reformulated Gasoline case (1996) 856
 regional agreements
 growth in use of 28
 post-Stockholm Declaration 34
 regional approach to regulation 939
 regional custom
 as customary law 124
 regional organisations
 regulatory role of 82
 Regional Seas Programme *see* UN Environment Programme (UNEP)
 'release'
 definition of 713
 renewable energy
German Renewable Energy case 886
 reparation
 Chernobyl incident *see* Chernobyl incident
Gabčíkovo–Nagymaros case 350
 generally 749
 Marshall Islands nuclear tests claims 754
 state practice 752
Trail Smelter case 751
 reporting of information *see* environmental information
 Rhine
 Action Programme 1986 370
 Berne Pollution Agreements 1963 367
 Chemical Pollution Convention 1976 368
 chlorides conventions 1976 and 2003 368
 Netherlands–France dispute 369
 Protection Convention 1999 369
Sandoz case 368, 370
 treaties generally 367
 Rio Declaration 1992
 anthropocentric approach 41
 anti-dumping provisions 899
 and Climate Change Convention 1992 209, 301
 'common but differentiated responsibility', principle of 42, 244
 consensus of priorities and values 201
 cooperation principle 213

- Rio Declaration 1992 (cont.)
 creation of legal rights and obligations 104
 and customary international law 118
 development and environment 41
 differentiated responsibility 246
 'effective environmental legislation', commitment to 43
 environmental impact assessment 657
 extraterritoriality provisions 205
 hazardous/toxic substances 570
 human rights provisions 812, 827
 information access 707
 information exchange 684–5
 integration of environment and economy 841, 849
 international organisations, provisions on 53
 liability provisions 736, 746, 803
 national implementation, provisions on 149
 non-binding status 41
 non-governmental organisations (NGOs) 89
 non-state actor provisions 53
 notification of incidents 698
 original title ('Earth Charter') 41
 polluter pays principle 240
 precautionary principle 230, 234
 preventive action principle 213
 Principle 2
 responsibility not to cause environmental damage *see* environmental damage
 sovereignty over natural resources *see* sovereignty over natural resources, principle of
 principles 41
 public awareness provisions 715
 regulatory approach 129
 reporting requirements 693, 695
 right of development 226
 right to development 229
 Rio+20 Summit *see* Rio+20 Summit
 sovereign right of development 42
 sustainable development 223
 sustainable development principles 43
 technology transfer 721
 as to war and armed conflict 830
- Rio+20 Summit
 conference 49
 creation of legal rights and obligations 104
 as to indigenous peoples 94
 objective 48
 outcomes 49
 significance 49
 Sustainable Development Goals (SDGs) 50
 themes 49
- risk assessment procedures
 Biosafety Protocol 401, 674
 SPS Agreement 1994 673
 rivers *see* freshwater resources; watercourses
- Romania
 environmental rights jurisprudence 826
- ROPME Sea Area *see* Arabian Gulf
- Russia
Arctic Sunrise case 497
 Chernobyl incident *see* Chernobyl incident
 Cosmos 954 incident 763
- Salvage Convention 1989
 operation of 502
- San Juan River, pollution of
Costa Rica v. Nicaragua cases 359
- San Salvador Protocol 1988 *see* American Convention on Human Rights (ACHR) 1969
- Sandoz* case
 description 368, 370
- sanitary measures *see also* phytosanitary measures
 NAFTA restrictions on 888
 WTO/GATT *see* technical barriers to trade (WTO/GATT)
- Saudi Arabia
 Al-Sag/Al-Disi Aquifer Agreement with Jordan 380
- science
 early observations of environmental damage 22
 and environmental decision-making 6, 16
 importance for regulation 22
- scientific community
 regulatory role of 90
 role in future developments 934
- sea, law of the *see* UNCLOS/ITLOS
- seabed
 pollution from seabed activities
Arctic Sunrise case 497
 Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploitation of Seabed Mineral Resources 1977 790
Deepwater Horizon accident 496
 Kuwait and Madrid Protocols 499
 OSPAR Convention 500
 regional agreements 499
 regulation generally 496
 UNCLOS 497
 Seabed Authority *see* International Seabed Authority
- seals
 Antarctic Seals Convention 1972 635
Pacific Fur Seal Arbitration 25, 203, 509
- seas and oceans *see* marine environment
- 'Seveso II' Directive
 operation of 575
- sewage sludges *see* waste
- Sharda (Mahakali) River Treaty 1996
 operation of 378–9
- ships *see also* International Maritime Organization (IMO)
 anti-fouling systems (AFS) Convention 2001 494
 atmospheric pollution from 333
 Ballast Water and Sediments Convention 2004 494
 Bunker Fund Convention 2001 788
 marine pollution from *see* marine environment
 Recycling of Ships Convention 2009 495
- Shrimp/Turtle* cases
Danish Bottles case compared 885
 description 859
 extraterritoriality ruling 203
 sustainable development ruling 220
 trade and environment rules, interaction of 845–6
- Slovakia
Gabčíkovo-Nagymaros case *see* *Gabčíkovo-Nagymaros* case
- social and economic rights
 ICESCR 814
- social objectives
 and environmental decision-making 9
- 'soft law' *see* non-binding instruments
- South China Sea* Arbitration (*Philippines v. China*)
 environmental impact assessment 665, 680
 fishing rights 531
 marine biodiversity conservation 552
- Southern African Development Community (SADC)
 Zambezi River agreements 375
- Southern Bluefin Tuna* cases
 description 528
 jurisdiction arguments 114
- sovereignty over natural resources, Climate Change Convention 1992 301
 and extraterritoriality 203
 generally 201
 and international law 12
 invocation in treaties 202
 legal status of 210
 preventive action principle distinguished 211
 principle of application of 202
 UNGA statements pre-Stockholm Declaration 202

963 | Index

- Soviet Union *see* Russia
 Space Liability Convention 767
 state liability provisions 762
 Spain
 environmental rights jurisprudence 821, 823
 Estai case 527
 Lac Lanoux case 341
 Mangouras v. Spain 486
 'specimen'
 CITES definition 410
 standard of care
 and state liability 746
 standards
 direct regulation by 129
 emission standards 131
 environmental quality standards 129
 maintenance of minimum 819
 process standards 131
 product standards 130
 'state of ecological necessity'
 legal defence of 346
 states
 actio popularis 157
 control of natural resources 12
 and cooperation principle 216
 duty of
 to protect environment 463
 as to rights of other states 28
 'effective environmental legislation'
 commitment to 43
 enforcement *see* enforcement
 equality of 12
 and equity principle 226
 and extraterritoriality 203
 and 'global commons' 12
 ILC Articles on State Responsibility 2001 153
 liability
 arising from armed conflict 71
 definition of environmental damage 741
 ILC initiatives 739, 769
 Institut de Droit International resolution 739
 international crimes 760
 international law generally 739
 main issues 740
 regulation generally 737
 reparation *see* reparation
 standard of care 746
 threshold level of damage 743
 treaties
 Arctic Environmental Protocol 767
 Climate Change Convention 768
 CRAMRA 767
 generally 762
 LRTAP Convention 764
 Paris Climate Agreement 2015 769
 Space Liability Convention 762
 UNCLOS 764
 UN Compensation Commission 755
 national implementation of international rules
 importance of 16
 by national compliance 148
 by national law 147
 official communications as binding obligations 126
 as persistent objector 124
 practice as customary law 120
 and precautionary principle 239
 and preventive action principle 212
 responsibility not to cause environmental damage *see* environmental damage
 role in international law 53
 sovereign right of development 42
 sovereignty of 12
 territorial limits of 12
 trade-related environmental disputes, growth of 849
 Statute of the River Uruguay 1975
 Pulp Mills case 351
 Stockholm Chamber of Commerce Arbitration Institute 905
 Stockholm Conference and Declaration 1972
 biodiversity 386
 commercial whaling moratorium proposal 533
 cooperation principle 213
 creation of legal rights and obligations 104
 definition of 'environment' 15
 differentiated responsibility 246
 Earthwatch programme 704
 endangered species trade 409
 environmental impact assessment 658
 fisheries conservation 513
 follow-up to 32
 hazardous/toxic substances 570
 human rights provisions 814, 827
 importance of 33, 930
 information exchange 683, 685
 integration of environment and development 227
 liability provisions 746
 marine pollution 461
 migratory species 417
 nuclear weapons 829
 origins of 29
 Principle 21
 responsibility not to cause environmental damage *see* environmental damage
 sovereignty over natural resources *see* sovereignty over natural resources,
 principle of
 Stockholm Declaration 29
 sustainable development 223
 technology transfer 721
 Stockholm Convention 779 *see* POPs Convention 2001
 Straddling Stocks Agreement 1995 *see* Fish Stocks Agreement 1995
 Strategic Environmental Assessment Protocol
 environmental impact assessment 670
 Subcontinental Asia *see* Asia
 subsidies
 Agenda 21 895
 environmental issues 895
 regulation via 136
 sulphur
 Protocol 1985 263
 Protocol 1994 499
 Trail Smelter case *see* *Trail Smelter* case
 Suriname
 environmental rights jurisprudence 827
 indigenous peoples' rights 824
 sustainable development
 Agenda 21 *see* Agenda 21
 Arctic working group 648
 Brundtland Report *see* Brundtland Report
 Carpathians Convention 2003 447
 current state of regulation 229
 definition and concepts 218
 emergence of 9
 and environmental decision-making 9
 and environmental issues 932
 environmental priorities 10
 equitable use of natural resources *see* equity principle
 first treaty reference to 217
 future generations 221
 Gabčíkovo-Nagymaros case 219
 general principles of 43
 generally 217
 HLPF *see* High-Level Political Forum on Sustainable Development (HLPF)
 integration of environment and development 227
 Johannesburg Declaration 2002 48
 Johannesburg Principles 2002 148
 legal elements of 218
 legal recognition of 10
 Lomé Convention 1989 219
 Paris Climate Agreement 2015 219, 229
 Rio Declaration 1992 223, 228
 Shrimp/Turtle cases (1998, 2001) 220
 state practice 218
 Stockholm Declaration 223
 sustainable use of natural resources 222
 Transforming our World: The 2030 Agenda 50

- Sustainable Development Goals (SDGs)
 adoption of 50
 development of 50
 goals and targets 50
 marine biodiversity conservation 50
 marine issues 458
 sustainable use/management
 Biodiversity Convention 390
 Sweden
 environmental rights jurisprudence 822
 Switzerland
Balmer-Schafroth v. Switzerland 239
Swordfish case
 description 528
 taxes and charges
 regulation via 134
 technical assistance *see* technology transfer
 technical barriers to trade (WTO/GATT)
 health and safety protection 871
 SPS Agreement 1994
 adoption of 851
Beef Hormones case 873
 dispute settlement, assessment of 881
 disputes 873
EC-Biotech case 879
 operation of 871
 risk assessment procedures 673
 TBT Agreement 1979 851
 TBT Agreement 1994
 adoption of 851
Asbestos case (2000) 865
 distinction between regulations and standards 852
 objectives of 852
 principles of national treatment and non-discrimination 852
 technical assistance to developing countries 853
 Technology Mechanism 328
 technology transfer *see also* foreign investment
 Agenda 21 721
 Biodiversity Convention 724
 Climate Change Convention 1992 306, 726
 code of conduct 722
 current state of regulation 732
 definition of 720
 developments in treaty provision 720
 Expert Group (EGTT) 726
 Kyoto Protocol 726
 Montreal Protocol 1987 288, 723
 Nagoya Protocol 725
 ozone regime 723
 Paris Climate Agreement 2015 328
 Rio Declaration 1992 721
 Stockholm Declaration 721
 TBT Agreement 1994 853
 treaty provisions 722
 TRIPs 727
 UNCED 721
 UNCLOS 722
 UNEP Regional Seas Conventions 723
 Vienna Convention 723
 WSSD Plan of Implementation 722
 territorial limits of states
 sovereignty and 12
 territorial waters
 UNCLOS conservation measures 514
 Thailand
 competition 859
 Mekong River Basin Agreement 377
 timber *see* forests
Torrey Canyon incident
 and Civil Liability Convention 780
 and Intervention Convention 1969 500
 tourism
 environmental hazards 609
 trade *see also* competition; economics; foreign investment; free trade agreements (FTAs)
 chapter scope and content 842
 Committee on Trade and the Environment (CTE) 853
 controlled substances *see* Montreal Protocol 1987
 current state of regulation 924
 dispute settlement *see* WTO/GATT
 disputes over national environmental measures restricting 849
 and 'global commons' 844
 imports, protection from harmful environmental effects 844
 measures
 on environmental grounds 882
 environmental objectives in 843
 in environmental treaties 843
 NAFTA restrictions on 888
 regulation via 137
 WTO/GATT restrictions on 851
 technical barriers to *see* technical barriers to
 unilateral environmental measures and *see* unilateral environmental measures as to trade
 tradeable permits
 regulation via 135
 traditional knowledge
 and intellectual property 922
Trail Smelter case
 importance of 25, 254
 reparation 751
 transboundary air pollution *see* atmospheric protection
 transboundary aquifers
 ILC Articles 344
 Transboundary Effects of Industrial Accidents Convention *see* accidents
 'transboundary impact'
 definition of 668
 transboundary movements of hazardous wastes *see* waste
 Transboundary Watercourses and International Lakes Convention 775
 operation of 363
 pollution prevention provisions 616
 transfer of technology *see* foreign investment
 Transforming our World: The 2030 Agenda for Sustainable Development
 adoption of 50
 transnational corporations (TNCs) *see* corporate sector
 transportation
 chemicals and pesticides 589
 civil liability and compensation 792
 environmental hazards 609
 Geneva Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD) 1989 792
 Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Protocol) 2010 793
 radioactive substances 597
 waste *see* waste
 trawling
 regulation of bottom trawling 542
 treaties *see* environmental treaties
 'treaty'
 definition of 104
 Treaty on the Functioning of the European Union (TFEU)
Belgian Waste Disposal case 885
 cost of protection measures, provision for 8
Danish Bottles case 883
German Renewable Energy case 886
 trade and environment measures generally 882
 waste prevention provisions 613
 trees *see* Forest Principles; forests

965 Index

- tribal peoples *see* indigenous peoples
 tribunals *see* courts and tribunals
 TRIPs Agreement *see* intellectual property
- tropical rainforests *see* forests
- tuna
Southern Bluefin Tuna cases see Southern Bluefin Tuna cases
Tuna/Dolphin cases (1991, 1994) 854
Tuna/Dolphin II case (2012) 869
 yellow-fin tuna *see Yellow-Fin Tuna case*
- turtles
 Inter-American Convention for the Protection and Conservation of Sea Turtles 863
Shrimp/Turtle cases (1998, 2001) see Shrimp/Turtle cases (1998, 2001)
- tyres
Retreaded Tyres case (2007) 867
- UN
 activities 1945–72 26
 Administrative Committee on Co-ordination (ACC) 60
 coordination within 60
 creation of 25
 Inter-Agency Committee on Sustainable Development (IACSD) 60
 regulatory role of 59
 specialised agencies and environmental regulation generally 73
- UN Charter
 environmental protection provisions 26
 human rights provisions 813
- UN Commission on Human Rights
 statements on environmental rights 815
- UN Commission on International Trade Law (UNCITRAL)
 dispute settlement 904
- UN Commission on Sustainable Development
 replacement by HLPF 67
- UN Committee on Economic, Social and Cultural Rights
 statement on water rights 818
- UN Compensation Commission
 work of 755
- UN Conference on Environment and Development (UNCED) *see also* Aarhus Convention 1998; Agenda 21; Climate Change Convention 1992; Rio Declaration 1992
 atmospheric protection 258
 environmental impact assessment 660
 follow-up resolutions 45
 Forest Principles *see* Forest Principles
 integration of environment and economy 841, 848
 lead-up to 39
 non-state actor enforcement provisions 164
 priorities 4
 regulatory role of 55
 technology transfer 721
- UN Conference on the Conservation and Utilisation of Resources (UNCCUR)
 development of international environmental rules 27
 importance of 26
- UN Conference on the Human Environment 767 *see* Stockholm Conference and Declaration 1972
- UN Conference on Trade and Development (UNCTAD)
 regulatory role of 68
- UN Convention on the Law of the Sea (UNCLOS) 1982 *see* UNCLOS/ITLOS
- UN Council on Human Rights
 statements on environmental rights 815
- UN Declaration on the Rights of Indigenous Peoples 781
 statements on environmental rights 816
- UN Development Programme (UNDP)
 regulatory role of 65
- UN Economic and Social Council (ECOSOC)
 Biosphere Conference 1968 29
 Regional Economic Commissions 70
 regulatory role of 69
- UNCCUR 26
- UN Economic Commission for Europe (UNECE)
 civil liability provisions 801
 environmental impact assessment convention *see* Espoo Convention 1991
 Forum on Forests 70
 Industrial Accidents Convention 1992 *see* accidents
 Permanent Forum on Indigenous Issues 70
 Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters 2003 801
 regulatory role of 70
 statements on environmental rights 815
- UN Education and Scientific Organization (UNESCO)
 regulatory role of 74
- UN Environment Programme (UNEP)
 creation of 33
 draft principles 1978 35
 environmental impact assessment 660
 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) 476
 initiatives 33
 London Guidelines for the Exchange of Information on Chemicals in International Trade 1987 586
- Regional Seas Programme
 Arabian Gulf (ROPME Sea Area) 468
 Black Sea 468
 Caribbean 467
 Caspian Sea 467
 conventions and protocols 467
 Eastern Africa 467
 environmental emergencies 504
 generally 465
 marine pollution from land-based sources 478
 Mediterranean 467
 North-East Pacific 468
 Pacific Region 468
 Red Sea and Gulf of Aden 468
 regional framework conventions
 content and structure 466
 general obligations 466
 general overview 465
 institutional arrangements 471
 ‘pollution’, definition of 466
 procedural obligations 471
 South East Pacific 468
 Western Africa 467
- Regional Seas Protocols on dumping at sea 485
 regulatory role of 63
- UN environmental summits
 environmental impact assessment (EIA) 660
- UN Food and Agriculture Organization (FAO)
 Code of Conduct on the Distribution and Use of Pesticides 1985 586
 deep-sea biodiversity protection 558
 fisheries conservation
 Code of Conduct on Responsible Fisheries 1995 520
 Compliance Agreement 1993 519
 generally 510
- International Treaty on Plant Genetic Resources for Food and Agriculture 2001 424

- UN Food and Agriculture Organization (FAO) (cont.)
 regulatory role of 73
 Undertaking on Plant Genetic Resources 1983 425
 voluntary guidelines for flag state performance as to fisheries 546
- UN Forum on Forests (UNFF)
 operation of 429
 UN Forest Instrument 2007 430
- UN Framework Convention on Climate Change *see* Climate Change Convention 1992
- UN General Assembly resolutions
 deep-sea biodiversity resolutions 556
- UN General Assembly (UNGA)
 Antarctic initiatives 634
 environmental rights statements 815
 human rights monitoring committees reporting to 69
 marine biodiversity resolutions 550
 post-UNCCUR initiatives 27
 regulatory role of 61
 statements on sovereignty principle 202
 subsidiary bodies 68
 war and armed conflict 836
- UN Global Compact 778
 corporate sector participation 93
- UN Human Rights Council
 corporate sector working group 94
- UN Human Settlements Programme (UN-Habitat)
 regulatory role of 68
- UN Industrial Development Organization (UNIDO)
 regulatory role of 77
- UN Institute on Training and Research (UNITAR)
 regulatory role of 68
- UN Population Fund
 regulatory role of 68
- UN Scientific Committee on Effects of Atomic Radiation (UNSCEAR)
 regulatory role of 68
- UN Security Council (UNSC)
 environment and armed conflict 71, 835
 regulatory role of 71
 statements on liability for environmental damage during armed conflict 742
- UN System Chief Executives Board for Co-ordination (CEB)
 operation of 60
- UN Trusteeship Council
 regulatory role of 72
- UNCLOS/ITLOS
 aims and objectives 462
- Chagos Archipelago MPA dispute 179, 560
 conservation measures
 1958 Conference 511
 archipelagic waters 514
 biodiversity 551
 continental shelf 514
 deep-sea ecosystems 555
 exclusive economic zone (EEZ) MPAs within 560
 provisions generally 514
 generally 513
 high seas 516
 territorial waters 514
 definition of 'environment' 15
 dispute settlement generally 184
 dumping at sea, general principles as to 479
 duty to protect environment 463 and ECJ 114
 enforcement provisions 161
 environmental impact assessment 664, 679
- Fish Stocks Agreement 1995 *see* fisheries
 fisheries conservation 511
 implementation methods 464
 importance of 33, 464
 jurisprudence
 cooperation principle 213
 environmental impact assessment 664
 illegal, unreported and unregulated (IUU) fishing 546
 jurisdiction arguments 113
M/V Virginia G Case 548
 seabed activities 497
- marine pollution from land-based sources 477
 national implementation provisions 147, 149
 pollution from seabed activities 497
 pollution from ships 487
 'prompt release' provisions 532
 regional cooperation 464
 regulatory role generally 81, 457, 462
 responsibility not to cause environmental damage 463
- Seabed Authority *see* International Seabed Authority
 specific rules 464
 state liability provisions 764
- Understanding on Rules and Procedures Governing the Settlement of Disputes *see* WTO/GATT
- unilateral environmental measures as to trade
 definition of 848
 examples of 848
 international trade agreements regulating 848
- United Kingdom (UK)
Anglo-Norwegian Fisheries case 124
 Biodiversity Convention 1992 112
 Chagos Archipelago MPA dispute 179, 560
 Chernobyl incident 753
 CITES 112
 environmental rights jurisprudence 820, 822
 exchange of nuclear accident information with France 699
Fisheries Jurisdiction case *see* *Fisheries Jurisdiction* case
 fur seals *see* *Pacific Fur Seal* Arbitration
Haven case 786
 London Convention 1933 689
 London Convention 1972 480
MOX case *see* *MOX* case
 Nauru Trusteeship 607
 Non-Proliferation Treaty 1968 602
 OSPAR Convention reporting requirement 234
Pacific Fur Seal Arbitration 25, 203, 509
 as persistent objector 124
Torrey Canyon incident *see* *Torrey Canyon* incident
 UNCLOS/ITLOS 179
- United Nations (UN) *see* UN
- United States (US)
Beef Hormones case 873
 Border Environment Cooperation Commission (with Mexico) 893
 Canada–United States Boundary Waters Treaty *see* Canada–United States Boundary Waters Treaty 1909
 Canada–United States Free Trade Agreement *see* Canada–United States Free Trade Agreement
 Canada–United States Transboundary Movement of Hazardous Waste Agreement 625
 and 'common but differentiated responsibility' principle 43
 dispute settlement
 ICSID 914
 NAFTA 909
EC-Biotech case 238, 879
 emerging environmental rights issues 818
 environmental impact assessment legislation 664
 fur seals *see* *Pacific Fur Seal* Arbitration
 Great Lakes Water Quality Agreement 372
Gut Dam case 371

967 Index

- hazardous waste agreements 625
 International Treaty on Plant
 Genetic Resources for Food
 and Agriculture 2001 729
 Marshall Islands nuclear tests
 claims 754
 Mexico–US Hazardous Waste
 Agreement 612
 NAFTA *see* North American Free
 Trade Agreement (NAFTA)
 National Environmental Policy Act
 (NEPA) 1969 664
 North American Development
 Bank 893
Pacific Fur Seal Arbitration 25,
 203, 509
 and Paris Climate Agreement 2015
 295, 334
 as persistent objector 124
Reformulated Gasoline case (1996)
 856
Shrimp/Turtle cases (1998, 2001)
 see Shrimp/Turtle cases
 (1998, 2001)
 tradeable permits 135
Trail Smelter case see Trail Smelter
Tuna/Dolphin cases (1991, 1994)
 854
Tuna/Dolphin II case (2012) 869
 yellow-fin tuna *see Yellow-Fin*
 Tuna case
 Universal Declaration of Human
 Rights (UDHR) 1948
 adoption of 814
 urban air pollution *see* atmospheric
 protection
 Uruguay
 Pulp Mills case see Pulp Mills case
 Statute of the River Uruguay 351
 use of force to protect environment
 justification for 828
 USSR *see* Russia
 Venezuela
 Reformulated Gasoline case (1996)
 856
 Vicuna Convention 1979
 operation of 436
 Vienna Convention for the Protection
 of the Ozone Layer 1985
 amendment provisions 115
 operation of 279
 Protocol *see* Montreal Protocol
 1987
 technology transfer 723
 Vienna Convention on Civil Liability
 for Nuclear Damage 764
 1988 Joint Protocol 778
 1997 Protocol 778
 and Chernobyl incident 776
 operators' liability 775
 revision of 777
 Vienna Convention on the Law of
 Treaties 1969
 definition of 'treaty' 104
 interpretation rules 108
 operation of 107
 Vietnam
 Mekong River Basin Agreement
 377
Virginia G Case
 flag state performance ruling 548
 volatile organic compounds (VOCs)
 Protocol
 operation of 265
 voluntary approaches to regulation
 overview of 138
 voluntary cooperation
 Paris Climate Agreement 2015 324
 Waigani Convention
 waste transport and trade
 provisions 624
 war and armed conflict
 Agenda 21 836
 current state of regulation 838
 ENMOD Convention *see* ENMOD
 Convention on the
 Prohibition of Military or
 Any Other Hostile Use of
 Environmental
 Modification Techniques
 (ENMOD Convention) 1977
 environmental damage as war
 crime 833
 environmental issues generally 828
 environmental law during 829
 environmental protection in law of
 general rules
 special rules 834
 environmental security and
 international law 836
 environmental treaties generally
 829
 'environmentally displaced
 persons' 837
 and general rules of environmental
 protection 832
 Geneva Conventions 1949 832,
 835
 ICJ jurisprudence 831, 835
 international humanitarian law
 828
 liability for environmental damage
 during 71, 742
 Rio Declaration 830
 Stockholm Declaration 829
 UN Security Council resolutions
 828
 use of force to protect environment
 828
 waste
 agricultural wastes
 definition 611
 Bamako Convention
 definitions of waste 612
 waste prevention provisions 614
 Basel Convention
 definitions of waste 612
 transport and trade 620
 waste prevention provisions 613
 civil liability and compensation 790
 current state of regulation 628
 definition of 610
 disposal
 Belgian Waste Disposal case 885
 incineration
 environmental damage by 611
 regulation generally 616
 landfill and other land-based
 methods
 environmental damage by 611
 regulation generally 617
 regulation generally 615
 in rivers and lakes 616
 at sea 615
 garbage from ships 491
 hazardous/toxic wastes
 Bamako Convention definition
 612
 Basel Convention definition 612
 Canada–United States
 Agreement 625
 definition and classification 611
 disposal options 611
 Mexico–US Agreement 612, 625
 Protocol on Liability and
 Compensation for Damage
 Resulting from
 Transboundary Movements
 of Hazardous Wastes and
 Their Disposal 1999 791
 industrial wastes
 definition 611
 mining wastes
 definition 611
 municipal waste
 disposal 611
 generation 610
 non-municipal waste
 definition and classification 611
 prevention 613
 radioactive wastes
 Basel Convention definition 612
 definition 613
 disposal 613
 generation 613
 IAEA regulation 625
 recycling and re-use 618
 regulation generally 609
 sewage from ships 491
 sewage sludges
 generation 611
 transport and trade
 Bamako Convention 612
 Basel Convention 620
 North America 625
 regulation generally 619
 Waigani Convention 624
 treatment 613
 Waigani Convention
 transport and trade 624

- water *see also* freshwater resources;
 marine environment
 lakes *see* lakes
 pollution, early conventions 24
 prohibition of attacks on facilities
 833
 right to, UN statements on 818
 water stress
 levels of 338
 watercourses
 1997 Convention
 application and scope 361
 conciliation/mediation
 provisions 171
 ecosystem protection provisions
 362
 general principles 361
 importance of 362
 projects affecting watercourses,
 provisions as to 361
 war and armed conflict 830
 definition of 'environment' 15
 Institut de Droit International
 regulations 25
 waste disposal prohibition 616
 Watercourses Convention 1997
 war and armed conflict 830
 Western Hemisphere Convention 755
 operation of 441
 wetlands
 Ramsar Convention 1971 420
 whales
 problem of defining 14
 whaling
 first Convention 1931 23
 International Convention 1946 14
 International Whaling Commission
 (IWC) 534
 Stockholm Declaration,
 moratorium proposal 533
Whaling in the Antarctic Case 536
 wildlife
 biodiversity *see* Biodiversity
 Convention 1992
 birds *see* birds
 conservation
 Benelux Convention 1982 446
 Berne Convention 1979 444
 Polar Bear Agreement 1973 435
 Vicuna Convention 1979 436
 early conventions 24
 migratory species *see* migratory
 species
 protection agreements, trade
 measures in 844
 trade in endangered species
 CITES *see* CITES
 Lusaka Agreement 1994 440
 working environment
 accident and hazard prevention
 and response 590
 World Bank
 Declaration of Environmental
 Policies and Procedures
 Relating to Economic
 Development 80
 environmental impact assessment
 675
 environmental protection
 initiatives 80, 931
 funding for protection measures 9,
 80
 group structure 79
 ICSID *see* International Centre for
 Settlement of Investment
 Disputes (ICSID)
 Inspection Panel 176
 International Bank for
 Reconstruction and
 Development (IBRD) 79
 International Development
 Association (IDA) 79
 International Finance Corporation
 (IFC) 79
 international waterways projects
 policy 341
 legal establishment and personality
 79
 regulatory role of 79
 World Business Council for
 Sustainable Development
 (WBCSD)
 regulatory role 92
 World Charter for Nature 771
 environmental impact assessment
 659
 human rights provisions 815
 operation of 37
 as to war and armed conflict
 829
 World Commission on Environment
 and Development (WCED)
see Brundtland Report
 World Conservation Strategy 1980
 operation of 38
 World Health Organization (WHO)
 regulatory role of 77
 world heritage
 biodiversity protection 422
 World Heritage Convention 1972
 422
 World Meteorological Organization
 (WMO)
 regulatory role of 76
 World Summit on Sustainable
 Development (WSSD) 2002
 48
 atmospheric protection 258–9
 environmental impact assessment
 661
 foreign investment provisions
 900–15
 Johannesburg Declaration on
 Sustainable Development 48
 marine environment 458
 Plan of Implementation 48
 technology transfer 722
 WTO/GATT
 adoption in 1947 850
 Anti-Dumping Agreement 899
 anti-dumping provisions 899
Asbestos case (2000) 865
Beef Hormones case 237, 873
Brazil Retreaded Tyres case (2007)
 867
 Committee on Trade and the
 Environment (CTE) 853
 conflict with environmental
 treaties 845
 current state of regulation 924
 definition of 'environment' 15
 dispute settlement
 assessment of 870
 operation of 186, 854
 SPS Agreement *see* technical
 barriers to trade (WTO/
 GATT)
 Understanding (DSU), adoption
 of 850
 Doha Round negotiations and
 Declaration 2001 847
EC-Biotech case 238, 879
 environmental exceptions to
 prohibition of import
 restrictions 846
 environmental initiatives post-
 Stockholm Declaration 34
 environmental protection
 provisions 851
 establishment of WTO 850
 Final Act and Agreements
 (Marrakesh Agreements)
 1994 850
 GATS *see* General Agreement on
 Trade in Services (GATS)
 1994
 health and safety measures *see*
 technical barriers to trade
 (WTO/GATT)
 non-environmental factors in
 decision-making, provision
 for 9
Reformulated Gasoline case (1996)
 856
 regulatory role of 79
 'restrictive' approach to treaty
 interpretation 110
Shrimp/Turtle cases (1998, 2001)
 845–6, 859, 885
 SPS Agreement 1994 *see* technical
 barriers to trade (WTO/
 GATT)
 and sustainable development 10
 technical barriers to trade *see*
 technical barriers to trade
 (WTO/GATT)
 trade measures restricted under 851
 TRIPS *see* intellectual property
Tuna/Dolphin cases (1991, 1994) 854
Tuna/Dolphin II case (2012) 869
Yellow-Fin Tuna case
 extraterritoriality ruling 203
 'restrictive' approach to treaty
 interpretation 110
 Zambezi River
 regional agreements 375