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**Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment**

**Individual Report on Global and Regional**

**Environmental Agreements**

Report No. 9

Prepared for the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment

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# Introduction

1. This report examines statements in global and regional environmental agreements relevant to States’ human rights obligations concerning the environment.
2. This report is one of a series of 14 reports that examine human rights obligations related to the environment, as they have been described by various sources of international law in the following categories: (a) UN human rights bodies and mechanisms; (b) global human rights treaties; (c) regional human rights systems; and (d) international environmental instruments. Each report focuses on one source or set of sources, and all reports follow the same format.
3. These reports were researched and written by legal experts working *pro bono* under the supervision of John H. Knox, the UN Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. In March 2012, in Resolution 19/10, the Human Rights Council established the mandate of the Independent Expert, which includes, *inter alia*, studying the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and reporting to the Council on those obligations.
4. In his first report to the Council, U.N. Doc. A/HRC/22/43 (24 December 2012), the Independent Expert stated that his first priority would be to provide greater conceptual clarity to the application of human rights obligations related to the environment by taking an evidence-based approach to determining the nature, scope and content of the obligations. To that end, he assembled a team of volunteers to map the human rights obligations pertaining to environmental protection in as much detail as possible. The results of the research are contained in this and the other reports in this series.
5. The Independent Expert’s second report to the Council, U.N. Doc. A/HRC/25/53 (30 December 2013), describes the mapping project and summarizes its conclusions on the basis of the findings of the 14 specific reports. In brief, the main conclusions are that the human rights obligations relating to the environment include procedural obligations of States to assess environmental impacts on human rights and to make environmental information public, to facilitate participation in environmental decision-making, and to provide access to remedies, as well as substantive obligations to adopt legal and institutional frameworks that protect against environmental harm that interferes with the enjoyment of human rights, including harm caused by private actors. States are also subject to a general requirement of non-discrimination in the application of environmental laws, and have additional obligations to members of groups particularly vulnerable to environmental harm, including women, children and indigenous peoples.

## Summary of the Research Process

1. This report synthesises provisions in selected global and regional environmental agreements that may be relevant to human rights obligations. (This report does not cover bilateral environmental agreements.) Relatively few of these agreements refer to human rights explicitly. Nevertheless, their treatment of human life, health, and other concerns protected by human rights may increase our understanding of the scope and content of human rights obligations relating to the environment. These agreements recognise and often describe the effect of environmental harm on human beings, as well as set out obligations on States to prevent such harm.
2. The following agreements are not an exhaustive list of all global and regional agreements, but they are a representative sample of many such agreements.
3. The following global environmental agreements were examined: the 1973/1978 International Convention for the Prevention of Pollution from Ships (MARPOL Convention);[[1]](#footnote-1) the 1982 UN Convention on the Law of the Sea (UNCLOS);[[2]](#footnote-2) the 1985 Vienna Convention for the Protection of the Ozone Layer (Ozone Convention);[[3]](#footnote-3) the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol);[[4]](#footnote-4) the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention);[[5]](#footnote-5) the 1992 United Nations Framework Convention on Climate Change (FCCC)[[6]](#footnote-6) and the 1997 Kyoto Protocol to the FCCC;[[7]](#footnote-7) the 1992 Convention on Biological Diversity (Biodiversity Convention)[[8]](#footnote-8) and its 2000 Cartagena Protocol on Biosafety;[[9]](#footnote-9) the 1992 Convention on Civil Liability for Oil Pollution Damage (Civil Liability Convention);[[10]](#footnote-10) the 1994 Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (Desertification Convention);[[11]](#footnote-11) the 1997 Protocol to amend the 1963 Convention on Civil Liability for Nuclear Damage (1997 Vienna Convention);[[12]](#footnote-12) the 1997 United Nations Convention on the Law of Non-Navigational Uses of International Watercourses (International Watercourses Convention);[[13]](#footnote-13) the 1997 International Atomic Energy Agency Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (IAEA Joint Convention);[[14]](#footnote-14) the 1998 Rotterdam Convention on the Prior Informed Consent Procedure (Rotterdam Convention);[[15]](#footnote-15) the 2001 Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention);[[16]](#footnote-16) the 2001 International Treaty on Plant Genetic Resources (Treaty on Plant Genetic Resources);[[17]](#footnote-17) and the 2013 Minamata Convention on Mercury (Minamata Convention).[[18]](#footnote-18)
4. In addition, the following regional environmental agreements were analysed: the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy, as amended by Protocols of 1964 and 1982 (Paris Convention);[[19]](#footnote-19) the 1974 Nordic Environmental Protection Convention;[[20]](#footnote-20) the 1979 UNECE Convention on Long-Range Transboundary Air Pollution, with subsequent protocols (LRTAP Convention);[[21]](#footnote-21) the 1991 Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention);[[22]](#footnote-22) the 1991 Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol);[[23]](#footnote-23) the 1992 Helsinki Convention on the Transboundary Effects of Industrial Accidents (CTEIA);[[24]](#footnote-24) the 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes[[25]](#footnote-25) and its 1999 Protocol on Water and Health (UNECE Transboundary Watercourses Convention);[[26]](#footnote-26) the 1992 Convention for the Protection of the Marine Environment of the Northeast Atlantic (OSPAR Convention);[[27]](#footnote-27) the 1992 Convention for the Protection of the Marine Environment of the Baltic Sea (Baltic Sea Convention);[[28]](#footnote-28) the 1993 North American Agreement on Environmental Cooperation;[[29]](#footnote-29) the 1993 Lugano Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano Convention);[[30]](#footnote-30) the 1994 Convention on Cooperation and Sustainable Use of the Danube River (Danube River Convention);[[31]](#footnote-31) the 1995 amendments to the 1976 Barcelona Convention for the Protection of the Mediterranean Sea (Amendments to the Barcelona Convention);[[32]](#footnote-32) and the 2003 Protocol on Civil Liability and Compensation for Damage caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and to the 1992 Convention on the Transboundary Effects of Industrial Accidents (UNECE Protocol on Civil Liability).[[33]](#footnote-33) A separate report addresses the 1998 UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

## Overview of the Report

1. For ease of reference, the report is organised according to particular rights and duties. Often, however, statements may fall into more than one category. This report does not repeat every provision that is relevant to different themes.
2. Section II of the report describes how the agreements have connected environmental threats to human impacts. Section III reviews provisions of the treaties setting out obligations that are particularly closely related to human rights and environmental protection. These treaties generally do not refer explicitly to human rights. Many of their obligations are related to human rights only indirectly, in the sense that they are aimed at protecting human life and health, as well as other human interests recognised elsewhere as human rights, from environmental threats. This report focuses in particular on obligations of States in these agreements that are owed to individuals, rather than to other States. These obligations may be especially relevant to human rights because the obligations may correspond in some respects, at least, to recognised human rights. (A duty in an environmental treaty to provide information to affected members of the public, for example, may correspond to a right to information recognised in human rights instruments.) Section IV addresses cross-cutting issues, including duties relating to transboundary environmental harm; duties relating to the protection of non-human aspects of the environment; and duties relating to future generations. Section V makes some concluding observations.

# Human Rights Threatened by environmental harm

1. Only one instrument reviewed for this report refers explicitly to environmental harm as a threat to human rights. The Cancun Agreements, adopted by the FCCC Conference of the Parties (COP) in December 2010, quote language from a 2009 Human Rights Council resolution recognizing that “the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights.”[[34]](#footnote-34)
2. Many environmental agreements make clear that they are aimed at protecting human beings. For example, the *Desertification Convention* affirms that human beings in affected or threatened areas are at the centre of concerns to combat desertification and mitigate the effects of drought.[[35]](#footnote-35)
3. Agreements also characterise environmental harm to human health, life, property, and food security. Some agreements also refer to environmental threats to specific groups, such as indigenous peoples.

## Life and Health

1. Many global and regional agreements recognise the impacts of environmental threats on human life and health.
2. *UNCLOS* identifies several sources of pollution of the marine environment, which the Convention defines as the introduction of substances which result or are likely to result in such deleterious effects as hazards to human health.[[36]](#footnote-36) These sources include the release of toxic, harmful or noxious substances, pollution from vessels, pollution from installations and devices used in exploration or exploitation of the natural resources of the sea-bed or subsoil, and pollution from other installations and devices operating in the marine environment.[[37]](#footnote-37)
3. The *Ozone Convention* states that its Parties are “[a]ware of the potentially harmful impact on human health and the environment through modification of the ozone layer” and that they are “determined to protect human health and the environment against adverse effects resulting from modifications of the ozone layer.”[[38]](#footnote-38) The preamble of the *Montreal Protocol* similarly recognizes that the world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment.[[39]](#footnote-39)
4. *The Basel Convention* connects hazardous wastes and other wastes with the risk of damage to human health.[[40]](#footnote-40) The *Rotterdam Convention* refers to the harmful impact on human health from certain hazardous chemicals and pesticides in international trade.[[41]](#footnote-41) The *Stockholm Convention* recognizes the health concerns, especially in developing countries, resulting from local exposure to persistent organic pollutants.[[42]](#footnote-42) The Convention also states that its objective is to, *inter alia*, protect human health from persistent organic pollutants.[[43]](#footnote-43)
5. The *Biodiversity Convention* notes the critical importance of conservation and sustainable use of biological diversity for meeting health needs of the growing world population.[[44]](#footnote-44) Parties to the *Cartagena Protocol* are aware of “the rapid expansion of modern biotechnology and the growing public concern over its potential adverse effects on biological diversity, taking also into account risks to human health.”[[45]](#footnote-45)
6. The *FCCC* defines “adverse effects of climate change” as “changes in the physical environment or biota resulting from climate change which have significant deleterious effects” on, *inter alia*, human health and welfare.[[46]](#footnote-46)
7. The *1997 Vienna Convention* defines “nuclear damage” as, *inter alia,* causing loss of life and personal injury.[[47]](#footnote-47)
8. Parties to the *Minamata Convention* recognise that mercury is a chemical of global concern because, among other reasons, of its significant negative effects on human health and the environment.[[48]](#footnote-48) They also recognise, in particular, the serious health effects resulting from mercury pollution.[[49]](#footnote-49)
9. A number of regional agreements link maritime pollution with human health. For example, the *OSPAR Convention* defines “pollution” as the “introduction by man, directly or indirectly, of substances or energy into the maritime area which results, or is likely to result, in hazards to human health.”[[50]](#footnote-50) Similarly, the *Baltic Sea Convention* defines “pollution” as the “introduction by man, directly or indirectly, of substances or energy into the sea, including estuaries, which are liable to create hazards to human health” andlinks the Baltic Sea Area to the wellbeing of the peoples in the region.[[51]](#footnote-51) The *Amendments to the* *Barcelona Convention* refers to the economic, social, health and cultural value of the marine environment of the Mediterranean Sea area.[[52]](#footnote-52) It defines pollution as the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as, *inter alia*, hazards to human health.[[53]](#footnote-53)
10. The *Protocol on Water and Health* complements the UNECE Transboundary Watercourses Convention. Parties to the Convention are mindful that “water is essential to sustain life and that the availability of water in quantities, and of a quality, sufficient to meet basic human needs is a prerequisite both for improved health and for sustainable development.”[[54]](#footnote-54) The Protocol also links the protection of water ecosystems with the protection of human health and well-being.[[55]](#footnote-55) The Protocol is based on the understanding, among other things, that the benefits to human health and well-being accrue from wholesome and clean water and a harmonious and properly functioning water environment.[[56]](#footnote-56)
11. The *LRTAP* *Convention* defines “air pollution” as the introduction by man of substances or energy into the air resulting in deleterious effects of such a nature as to, *inter alia,* endanger human health.[[57]](#footnote-57) Similarly, Parties to the *UNECE Protocol on Civil Liability* state their awareness of the risk of damage to human health caused by the transboundary effects of industrial accidents.[[58]](#footnote-58)
12. The *Espoo Convention* identifies, *inter alia*, crude oil refineries, thermal power installations, nuclear enrichment installations, and smelting plants as some examples of installations that are capable of causing transboundary impacts, where “impacts” are defined as, *inter alia*, “any effect caused by a proposed activity on the environment including human health and safety.”[[59]](#footnote-59)
13. The *North American Agreement on Environmental Cooperation* defines “environmental law” in a manner that links the discharge of pollutants and environmental contaminants with danger to human life and health. It states that “environmental laws” are “any statute or regulation of a Party, or provision thereof, the primary purpose of which is the protection of the environment, or the prevention of a danger to human life or health, through the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants.”[[60]](#footnote-60)

## Property

1. Environmental agreements also make clear that environmental harm can adversely affect human property.
2. The *1997 Vienna Convention* defines “nuclear damage” as, *inter alia,* causing loss of or damage to property.[[61]](#footnote-61)
3. At the regional level, the *Danube River Convention* defines “transboundary impacts” as significant adverse effects on the riverine environment resulting from a change in the conditions of waters caused by human activity and which may affect life and property, safety of facilities and the aquatic ecosystems.[[62]](#footnote-62) The *Paris Convention* applies to damage to or loss of any property.[[63]](#footnote-63) The *LRTAP* *Convention* defines “air pollution” as the introduction by man of substances or energy into the air that, *inter alia*, endangers or harms material property.[[64]](#footnote-64)
4. The *Lugano Convention* defines “damage” as including loss or damage to property due to environmental harm.[[65]](#footnote-65) It further defines “dangerous substances” as “substances or preparations which have properties which constitute a significant risk for man, the environment or property.”[[66]](#footnote-66)
5. Parties to the *UNECE Protocol on Civil Liability* state their awareness of the risk of damage to property caused by the transboundary effects of industrial accidents.[[67]](#footnote-67) It also defines “damage” as loss of, or damage to, property, as well as loss of life or personal injury.[[68]](#footnote-68)

## Food Security

1. Environmental agreements also reference threats to food security.
2. The *Biodiversity Convention* notes the critical importance of conservation and sustainable use of biological diversity for meeting the food needs of the growing world population.[[69]](#footnote-69) Similarly, one of the objectives of the *FCCC* is to ensure that food production is not threatened by climate change.[[70]](#footnote-70)
3. Parties to the *Treaty on Plant Genetic Resources* acknowledge that the conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources for food and agriculture are essential in meeting world food security and that plant genetic resources for food and agriculture are essential in adapting to unpredictable environmental changes and future human needs.[[71]](#footnote-71)

## Threats to Specific Groups

1. Environmental agreements sometimes make clear that certain groups, including women, children, and indigenous peoples, are particularly vulnerable to environmental harm.
2. The *Biodiversity Convention* recognizes the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources.[[72]](#footnote-72)
3. Parties to the *Stockholm Convention* are aware of the health concerns resulting from local exposure to persistent organic pollutants in particular impacts on women, and through them, upon future generations, and acknowledge that the Arctic ecosystems and indigenous communities are particularly at risk because of biomagnifications of POPS and that contamination of their traditional foods is a public health issue.[[73]](#footnote-73)
4. The *Cancun Agreements* note “that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status, or disability.”[[74]](#footnote-74)
5. Parties to the *Minamata Convention* state their awareness of the health concerns, especially in developing countries, resulting from exposure to mercury of vulnerable populations, especially women, children, and, through them, future generations.[[75]](#footnote-75) They also note the particular vulnerabilities of Arctic ecosystems and indigenous communities because of the biomagnification of mercury and contamination of traditional foods, and express concern about indigenous communities more generally with respect to the effects of mercury.[[76]](#footnote-76)
6. At the regional level, Parties to the *Protocol on Water and Health* state their awareness of the consequences for public health from shortfalls of water quantity and quality sufficient to meet basic human needs, and of the serious effects of such shortfalls, in particular on the vulnerable, the disadvantaged and the socially excluded.[[77]](#footnote-77)

# Obligations on States Relating to Human Rights and the Environment

1. This section describes procedural and substantive duties relating to human rights and the environment under selected global and regional environmental agreements. Again, these agreements rarely characterise obligations in terms of human rights. As noted above, many of their obligations are related to human rights in the sense that they are aimed at protecting human life and health, as well as other human interests, from environmental threats. This report does not attempt to describe every such provision, which would amount to a restatement of almost all of international environmental law.
2. The first subsection focuses on procedural obligations of States in these agreements. Many of these obligations require States to take actions vis-à-vis members of the public, although the obligations may be owed to the other States party to the agreement as a matter of law. These obligations may be particularly relevant to human rights because the obligations may correspond in some respects, at least, to recognised human rights. Obligations to provide information to the public, for example, may correspond to a right to information recognised in human rights instruments; similarly, obligations to provide for effective remedies for environmental harm may correspond to a right to effective remedies provided by human rights instruments.
3. The agreements do not include substantive obligations explicitly aimed at protecting human rights. Nevertheless, the second subsection summarizes obligations directed at the protection of human life and health to give a sense of how international environmental law operates to protect such interests and others that are protected by human rights.
4. Finally, the third subsection describes provisions of international environmental agreements that are aimed at protecting the interests of groups in vulnerable situations.

## Procedural Obligations

1. Many agreements set out obligations to provide information to the public and to ensure participation in decision-making. Some also include provisions on access to remedies for environmental harm.

### Obligations to provide information about environmental harm

1. Many agreements address the provision of informationabout threats from environmental harm.
2. The *Rotterdam Convention* requires that Parties “ensure, to the extent practicable, that the public has appropriate access to information on chemical handling and accident management and on alternatives that are safer for human health or the environment to the chemicals listed” under the Convention that are subject to the prior informed consent of importing States.[[78]](#footnote-78)
3. The *Stockholm Convention* requires that Parties, within their capabilities, promote and facilitate provision to the public of all available information on persistent organic pollutants and that the information is kept up-to-date.[[79]](#footnote-79) It also recommends that Parties can provide such information through the use of safety data sheets, reports, mass media, and other means of communication, as well as by establishing information centres at national and regional levels.[[80]](#footnote-80)
4. The *Cartagena* *Protocol* requires that each Party endeavour to inform its public about the means of public access to the Biosafety Clearing-House established under the Protocol.[[81]](#footnote-81)
5. The *Desertification Convention* has various provisions related to access to information. For example, it states that Parties, shall, as appropriate, ensure that the collection, analysis and exchange of information address the needs of local communities, and that local communities are involved in these activities.[[82]](#footnote-82) It also requires that Parties, as appropriate, exchange and make fully, openly and promptly available information from all publicly available sources relevant to combating desertification and mitigating the effects of drought.[[83]](#footnote-83)
6. The *FCCC* requests Parties to promote and facilitate at the national and, as appropriate, sub-regional and regional levels, and in accordance with national laws and regulations, and with their respective capacities, public access to information on climate change and its effects.[[84]](#footnote-84)
7. The Parties to the *IAEA Joint Convention* recognise the importance of informing the public on issues regarding the safety of spent fuel and radioactive waste management.[[85]](#footnote-85) It specifies that each Party shall take the appropriate steps to ensure that procedures are established and implemented for a proposed spent fuel management or radioactive waste management facility and to make information on the safety of such a facility available to members of the public.[[86]](#footnote-86)
8. The *Minamata Convention* states that each Party shall, within its capabilities, promote and facilitate the provision to the public of available information available on, among other things, the health and environmental effects of mercury and mercury compounds; alternatives to mercury and mercury compounds; scientific, technical, economic and legal information concerning mercury and mercury compounds, including toxicological, ecotoxicological and safety information; the results of its research, development and monitoring activities required by the Convention; and activities to meet its obligations under the Convention.[[87]](#footnote-87)
9. At the regional level, the *UNECE Transboundary Water Convention* provides that Parties “shall ensure that information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and the effectiveness of those measures, is made available to the public.”[[88]](#footnote-88) This relates specifically to information regarding water-quality objectives, permits issued, results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions.[[89]](#footnote-89) This information is to be made available to the public at all reasonable times for inspection free of charge, and members of the public shall be provided with reasonable facilities for obtaining from the Riparian Parties, on payment of reasonable charges, copies of such information.[[90]](#footnote-90) The Convention also lists as a best practice “provision of information and education to the public and to users about the environmental consequences of the choice of particular activities and products, their use and ultimate disposal” and the use of product labels informing users of environmental risks related to a product, its use and ultimate disposal.[[91]](#footnote-91)
10. The *Protocol on Water and Health* has many provisions related to access to information. Its implementation principles state that access to information andpublic participation in decision-making concerning water and health are needed, *inter alia*, in order to enhance the quality and the implementation of the decisions, to build public awareness of issues, to give the public the opportunity to express its concerns and to enable public authorities to take due account of such concerns.[[92]](#footnote-92) To meet this principle, the *Protocol on Water and Health*provides that each Party shall take steps within the framework of its legislation to make available to the public such information as is held by public authorities and is reasonably needed to inform public discussion of the establishment of water quality targets and of target dates for their achievement, the development of water-management plans, the establishment, improvement or maintenance of surveillance and early-warning systems and the promotion of public awareness, education, training, research, and information systems.[[93]](#footnote-93) This information shall be available to the public at all reasonable times for inspection free of charge, and Parties shall provide members of the public with reasonable facilities for obtaining from the Parties, on payment of reasonable charges, copies of such information. [[94]](#footnote-94) Public authorities shall also, in response to a request for other information, make such information available within a reasonable time to the public, within the framework of national legislation.[[95]](#footnote-95)
11. The right to information under the *Protocol on Water and Health* is subject to exceptions in cases where: the public authority does not hold the information; the request for the information is manifestly unreasonable or formulated in too general a manner; or the information “concerns material in the course of completion or concerns internal communications of public authorities where such an exemption is provided for in national law or customary practice, taking into account the public interest served by disclosure.”[[96]](#footnote-96) The right to information can also be limited if disclosure of the information would adversely affect various issues listed by the Convention, such as intellectual property rights or personal data of natural persons are concerned; the confidentiality of proceedings of public authorities, if national law provides for such confidentiality; international relations, national defence or public security; or the environment to which the information relates, such as the breeding sites of rare species.[[97]](#footnote-97) However, according to the Convention, these grounds for not disclosing information shall be interpreted in a restrictive way, taking into account the public interest served by disclosure and taking into account whether the information relates to emissions and discharges into the environment.[[98]](#footnote-98)
12. Furthermore, the *Protocol on Water and Health* provides for response systems, where each Party must establish comprehensive national and/or local surveillance and early-warning systems. [[99]](#footnote-99) The purpose of such systems is to identify outbreaks or incidents of water-related disease or significant threats of such outbreaks or incidents, including those resulting from water-pollution incidents or extreme weather events, and give prompt and clear notification to the relevant public authorities about outbreaks, incidents or threats. In the event of any imminent threat to public health from water-related disease, the Parties are to disseminate all information that is held by a public authority and that could help the public to prevent or mitigate harm to the affected public, and make recommendations, where appropriate, to the public about preventive and remedial actions.[[100]](#footnote-100)
13. The *OSPAR Convention*contains broad guarantees of public information. It provides that Contracting Parties shall ensure that their competent authorities are required to make available any “available information on the state of the maritime area, on activities or measures adversely affecting or likely to affect it and on activities or measures introduced in accordance with the Convention.”[[101]](#footnote-101) Such information should be made available “to any natural or legal person, in response to any reasonable request, without that person’s having to prove an interest, without unreasonable charges, as soon as possible and at the latest within two months,” and must be “in written, visual, aural or data-base form.”[[102]](#footnote-102) Such a request can be refused under certain circumstances and if reasons for refusal are given.[[103]](#footnote-103) For example, information can be refused where it affects the confidentiality of the proceedings of public authorities, international relations and national defense; public security; commercial and industrial confidentiality, including intellectual property; the confidentiality of personal data and/or files; material supplied by a third party without that party being under a legal obligation to do so; and material, the disclosure of which would make it more likely that the environment to which such material related would be damaged.[[104]](#footnote-104) Furthermore, the Convention identifies as a best practice the use of product labels informing users of environmental risks related to a product, its use and ultimate disposal.[[105]](#footnote-105)
14. The *Baltic Sea Convention* provides that “Parties shall ensure that information is made available to the public on the condition of the Baltic Sea and the waters in its catchment area, measures taken or planned to be taken to prevent and eliminate pollution and the effectiveness of those measures.”[[106]](#footnote-106) Such information includes information regarding permits issued and the conditions required to be met; results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with water-quality objectives or permit conditions; and water-quality objectives.[[107]](#footnote-107) Information shall be available to the public at all reasonable times with reasonable facilities for obtaining copies of information on payment of reasonable charges.[[108]](#footnote-108) However, States can, under their national law and applicable supranational regulation, protect information related to intellectual property including industrial and commercial secrecy or national security and the confidentiality of personal data.[[109]](#footnote-109)
15. The *North American Agreement on Environmental Cooperation* aims at promoting transparency and public participation in the development of environmental laws, regulations and policies.[[110]](#footnote-110) It obliges each Party to periodically prepare and make publicly available reports on the state of the environment.[[111]](#footnote-111) Each Party shall also ensure that its laws, regulations, procedures and administrative rulings of general application respecting any matter covered by the Agreement are promptly published or otherwise made available in such a manner as to enable interested persons and Parties to become acquainted with them.[[112]](#footnote-112) Each Party shall also publish in advance regulatory measures that it proposes to adopt, and provide interested persons and Parties a reasonable opportunity to comment on such proposed measures.[[113]](#footnote-113) However, no access is required for information the disclosure of which would impede its environmental law enforcement or that is protected from disclosure by its law governing business or proprietary information, personal privacy or the confidentiality of governmental decision making.[[114]](#footnote-114) Furthermore, the Council[[115]](#footnote-115) shall promote and, as appropriate, develop recommendations, regarding public access to information concerning the environment that is held by public authorities of each Party, including information on hazardous materials and activities in its communities, and opportunity to participate in decision-making processes related to such public access.[[116]](#footnote-116)
16. The *Danube River Convention* contains a broad provision on access to information to the public. Contracting Parties shall ensure that their competent authorities are required to make available information concerning the state or the quality of riverine environment in the Danube Basin to any natural or legal person as soon as possible, with payment of reasonable charges and in response to any reasonable request without that person having to prove an interest in the information.[[117]](#footnote-117) The information may be given in written, visual, oral or data-based form.[[118]](#footnote-118) The request for information may be refused for a variety of reasons, however, including in cases where disclosure would affect confidentiality of the proceedings of public authorities, international relations and national defense; public security; commercial and industrial confidentiality as well as intellectual property; the confidentiality of personal files or data; or material, the disclosure of which would make it more likely that the environment to which such material related would be damaged, is affected.[[119]](#footnote-119) In such cases, the reasons for a refusal to provide the information requested must be given in writing.[[120]](#footnote-120)
17. The *Lugano Convention* provides that any person shall, at his request and without his having to prove an interest, have access to information relating to the environment held by public authorities[[121]](#footnote-121) and other bodies with public responsibilities for the environment and under the control of a public authority.[[122]](#footnote-122) The Parties shall define the practical arrangements under which such information is effectively made available.[[123]](#footnote-123) The Convention includes exceptions to providing requested information, *inter alia*, when internal law affects: the confidentiality of national defence, international relations, and public authority proceedings; public security; material whose disclosure would further damage the already damaged environment; matters already under enquiry; commercial and industrial confidentiality; material supplied by a third party without a legal obligation to do so; and the confidentiality of personal data and/or files.[[124]](#footnote-124) A public authority may refuse a request that is manifestly unreasonable or formulated in too general a manner, but it must respond as soon as possible and at the latest within two months of the request with an adequate explanation of the reasons for refusal to provide the information requested.[[125]](#footnote-125) Requesting parties may seek judicial review if they feel the request is unreasonably refused or ignored or the response is inadequately answered by the public authority.[[126]](#footnote-126) Additionally, and subject to the same restrictions listed above, a person who has suffered damage may, at any time, request the court to order an operator to provide him or her with specific information, in so far as this is necessary to establish the existence of a claim for compensation under this Convention.[[127]](#footnote-127) The operator is required to provide particular information concerning the equipment and machinery used as well as the type of dangerous substances, waste, and genetically modified organisms.[[128]](#footnote-128) However, the operator may refuse to provide information that would incriminate himself or herself.[[129]](#footnote-129)
18. The *CTEIA* states that “Parties shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity” and shall include elements set forth in Anne VIII.[[130]](#footnote-130) Annex VIII (“Information to the public pursuant to Article 9”) provides that the notification should include, *inter alia*: the location of the hazardous activity; an explanation of the hazardous activity and the risks associated with the activity; the names of the substances involved, with an indication of their principal dangerous characteristics; general information resulting from an environmental impact assessment, if available and relevant; information of the emergency response plan and continued notification; adequate information on how the affected population will be warned and kept informed in the event of an industrial accident; and adequate information on the actions the affected population should take and on the behaviour they should adopt in the event of an industrial accident.[[131]](#footnote-131)
19. The *UNECE Protocol on Civil Liability* states that, without prejudice to existing international obligations, the Parties shall provide for access to information, with due regard to the legitimate interest of the person holding the information, in order to promote the objective of the Protocol.[[132]](#footnote-132)

### The obligation to allow for the opportunity for public participation in environmental decision-making

1. Some agreements set out a duty to provide opportunity for public participation or to consult the public.
2. The *Stockholm Convention* requires Parties, within their capabilities, to promote and facilitate “public participation in addressing persistent organic pollutants and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level regarding implementation of the Convention.”[[133]](#footnote-133) It also requires Parties to consult, where appropriate, their national stakeholders in order to facilitate developing, implementing and updating their implementation plans under the Convention.[[134]](#footnote-134)
3. The  *Biodiversity Convention* requires that Parties, where appropriate, allow for public participation during environmental impact assessment.[[135]](#footnote-135) The *Cartagena Protocol* requires Parties, in accordance with their respective laws and regulations, to consult the public in the decision making process regarding living modified organisms.[[136]](#footnote-136)
4. The  *Desertification Convention* sets out as one of its main principles that Parties should ensure that decisions on the design and implementation of programmes under the Convention are taken with the participation of populations and local communities.[[137]](#footnote-137) It has various provisions that seek to implement this principle.[[138]](#footnote-138)
5. The *FCCC* requests Parties to promote and facilitate at the national and, as appropriate, sub-regional and regional levels, and in accordance with national laws and regulations, and with their respective capacities, public participation in addressing climate change and its effects and developing adequate responses.[[139]](#footnote-139) It also calls on Parties to encourage the widest participation in promoting education, training, and public awareness related to climate change.[[140]](#footnote-140)
6. The *Cancun Agreements* recognize the need to engage a broad range of stakeholders at the global, regional, national and local levels, including governments, private businesses and civil society.[[141]](#footnote-141) They also affirm that enhanced action on adaptation undertaken in accordance with the FCCC should follow a country-driven, gender-sensitive, participatory and fully transparent approach.[[142]](#footnote-142) The agreements also provide that when States undertake measures to reduce emissions from deforestation and forest degradation in developing countries (REDD), States should promote and support “the full and effective participation of relevant stakeholders.”[[143]](#footnote-143)
7. The *Treaty on Plant Genetic Resources* sets out “the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture” and the “right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture” as a means to protect farmers’ rights.[[144]](#footnote-144)
8. At the regional level, one of the implementation principles of the *Protocol on Water and Health* states that access to information andpublic participation in decision-making concerning water and health are needed, *inter alia*, in order to enhance the quality and the implementation of the decisions, to build public awareness of issues, to give the public the opportunity to express its concerns and to enable public authorities to take due account of such concerns.[[145]](#footnote-145)
9. The *North American Agreement on Environmental Cooperation* provides as anobjective the promotion of transparency and public participation in the development of environmental laws, regulations and policies.[[146]](#footnote-146) The Agreement provides that to the extent possible, each Party shall provide interested persons and Parties a reasonable opportunity to comment on “laws, regulations, procedures and administrative rulings of general application respecting any matter covered” by the Agreement.[[147]](#footnote-147)
10. The *CTEIA* provides that the Party of origin shall, in accordance with the provisions of the Convention and whenever possible and appropriate, give the public in the areas capable of being affected an opportunity to participate in relevant procedures with the aim of making known its views and concerns on prevention and preparedness measures, and shall ensure that the opportunity given to the public of the affected Party is equivalent to that given to the public of the Party of origin.[[148]](#footnote-148)
11. The *Espoo Convention* requires each Party to take the necessary legal, administrative or other measures to, *inter alia*, establish an environmental impact assessment procedure that permits public participation.[[149]](#footnote-149) The Convention also provides that the Party of origin shall give an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities.[[150]](#footnote-150) Concerned Parties shall ensure:

that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.”[[151]](#footnote-151)

### The duty to provide access to effective remedies

1. Some agreements provide for remedies to individuals for environmental harm.
2. The *Civil Liability Convention* refers to the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from a ship.[[152]](#footnote-152) The Convention provides that owners, with some exceptions, shall be liable for any pollution damage caused by the ship, regardless of fault.[[153]](#footnote-153) The Convention creates fault amounts based on units of account of tonnage of a ship, and provides that owners shall not be entitled to limit their liability under the Convention if it is proved that the pollution damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.[[154]](#footnote-154) In addition, the Convention allows for claims against insurers or other person providing financial security.[[155]](#footnote-155) The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992 Fund Convention) was also established to provide compensation for victims who do not obtain adequate compensation under the Civil Liability Convention.[[156]](#footnote-156)
3. The *1997 Vienna Convention* sets out a strict liability regime for operators of nuclear installations.[[157]](#footnote-157) Jurisdiction over actions under the Convention lies only with the courts of the party within whose territory the nuclear incident occurred.[[158]](#footnote-158) The Convention sets out that the right of compensation under the Convention shall be extinguished with respect to loss of life and personal injury after 30 years from the date of the nuclear incident.[[159]](#footnote-159) In the event that damage to be compensated exceeds the maximum amount available under the Convention, priority in the distribution of the compensation shall be given to claims in respect of loss of life or personal injury.[[160]](#footnote-160)
4. *UNCLOS* provides that States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief for damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.[[161]](#footnote-161)
5. At the regional level, the *Protocol on Water and Health* specifies that access to information and public participation in decision-making concerning water and health should be supplemented by appropriate access to judicial and administrative review of relevant decisions.[[162]](#footnote-162)
6. The *North American Agreement on Environmental Cooperation* contains detailed procedures related to access to justice.[[163]](#footnote-163) The Secretariat of the Commission for Environmental Cooperation, a regional organization established by the Agreement, may consider a submission “from any non-governmental organization or person asserting that a Party is failing to effectively enforce its environmental law.”[[164]](#footnote-164) The submission must meet various admissibility criteria, including that it: be communicated in writing to the relevant authorities of the Party and indicate the Party’s response, if any; clearly identify the person or organization making the submission; and appear to be aimed at promoting enforcement rather than harassing industry.[[165]](#footnote-165) Once the Secretariat determines that the matter is admissible, it shall then determine whether the submission merits requesting a response from the Party.[[166]](#footnote-166) Among the guiding factors to decide whether it should request the Party to reply are whether the submission alleges harm to the person or organization making the submission, whether the submission, alone or in combination with other submissions, raises matters whose further study in this process would advance the goals of the Agreement, whether private remedies available under the Party’s law have been pursued, and whether the submission is drawn exclusively from mass media reports.[[167]](#footnote-167) The Party must respond the Secretariat within 30 days or, in exceptional circumstances and on notification to the Secretariat, within 60 days of delivery of the request, and explain (a) whether the matter is the subject of a pending judicial or administrative proceeding, in which case the Secretariat shall proceed no further; and (b) provide any other information that the Party wishes to submit, such as i) whether the matter was previously the subject of a judicial or administrative proceeding, and ii) whether private remedies in connection with the matter are available to the person or organization making the submission and whether they have been pursued.[[168]](#footnote-168) Should the Secretariat deem it necessary, in light of the response provided by the Party, it shall prepare a factual record if it is instructed to do so by two-thirds vote of the Council. [[169]](#footnote-169)
7. The *North American Agreement on Environmental Cooperation* also provides that each Party shall effectively enforce its environmental laws and regulations through appropriate governmental action “with the aim of achieving high levels of environmental protection and compliance.”[[170]](#footnote-170) Such governmental actions include the appointment and training of inspectors, monitoring compliance and investigating suspected violations via on-site inspections, assurances of voluntary compliance and compliance agreements, publicly releasing non-compliance information, issuing bulletins or other periodic statements on enforcement procedures, promoting environmental audits, requiring record keeping and reporting, issuing administrative orders, and initiating judicial, quasi-judicial or administrative proceedings to seek appropriate sanctions or remedies for violations of its environmental laws and regulations.[[171]](#footnote-171) Sanctions and remedies provided for a violation of a Party’s environmental laws and regulations shall, as appropriate, take into consideration the nature and gravity of the violation, any economic benefit derived from the violation by the violator, the economic condition of the violator, and other relevant factors, and include compliance agreements, fines, imprisonment, injunctions, the closure of facilities, and the cost of containing or cleaning up pollution.[[172]](#footnote-172)
8. Furthermore, the*North American Agreement on Environmental Cooperation* contains special provisions on private access to remedies and procedural guarantees related to such remedies.[[173]](#footnote-173) Interested persons may request the Party’s competent authorities to investigate alleged violations of its environmental laws and regulations and shall give such requests due consideration in accordance with law.[[174]](#footnote-174) Persons with a legally recognized interest under its law in a particular matter must be given appropriate access to administrative, quasi-judicial or judicial proceedings for the enforcement of the Party’s environmental laws and regulations.[[175]](#footnote-175) Private access to remedies shall include, for example, the right to sue another person under that Party’s jurisdiction for damages, to seek sanctions or remedies such as monetary penalties, emergency closures or orders to mitigate the consequences of violations of its environmental laws and regulations, to request the competent authorities to take appropriate action to enforce that Party’s environmental laws and regulations in order to protect the environment or to avoid environmental harm, or to seek injunctions where a person suffers, or may suffer, loss, damage or injury as a result of conduct by another person under that Party’s jurisdiction contrary to that Party’s environmental laws and regulations or from tortious conduct.[[176]](#footnote-176)
9. The Parties have to ensure that administrative, quasi-judicial and judicial proceedings meet certain procedural guarantees by being fair, open and equitable. To ensure these guarantees, Parties shall provide that such proceedings comply with due process of law, are open to the public except where the administration of justice otherwise requires, and entitle the parties to the proceedings to support or defend their respective positions and to present information or evidence. Proceedings shall not be made unnecessarily complicated and do not entail unreasonable charges or time limits or unwarranted delays.[[177]](#footnote-177) The *Agreement* acknowledges that parties to such proceedings have the right, in accordance with its law, to seek review and, where warranted, correction of final decisions.[[178]](#footnote-178) Each Party shall ensure that tribunals that conduct or review such proceedings are impartial and independent and do not have any substantial interest in the outcome of the matter.[[179]](#footnote-179) Final decisions on the merits are to be given in writing and preferably state the reasons on which the decisions are based; they should be made available without undue delay to the parties to the proceedings and, consistent with its law, to the public.[[180]](#footnote-180) Finally, decisions should be based on information or evidence in respect of which the parties were offered the opportunity to be heard.[[181]](#footnote-181)
10. The *Nordic Environmental Protection Convention* sets a framework for handling disputes over nuisance and damage from environmentally harmful activities in Contracting States.[[182]](#footnote-182) It provides that:

any person who is affected or may be affected by a nuisance caused by environmentally harmful activities in another Contracting State shall have the right to bring before the appropriate Court or Administrative Authority of that State the question of the permissibility of such activities including the question of measures to prevent damage, and to appeal against the decision of the Court or the Administrative Authority to the same extent and on the same terms as a legal entity of the State in which the activities are being carried out.[[183]](#footnote-183)

1. The *Lugano Convention’s* objective and purpose is ensuring adequate compensation for damage resulting from activities dangerous to the environment and also providing for means of prevention and reinstatement.[[184]](#footnote-184) The Convention sets forth procedures by which member States are to impose civil liability[[185]](#footnote-185) for personal injury, property damage, and environmental damage that result from environmentally dangerous activities by an individual, partnership, corporate entity or State entity.[[186]](#footnote-186) In terms of geographic scope, the *Lugano Convention* applies when the incident occurs in the territory of a Party, regardless of where damage is suffered and when the incident occurs outside the territory of a Party and conflict of laws principles lead to the application of law in force in the territory of a Party.[[187]](#footnote-187) With respect to jurisdiction, except when another treaty controls jurisdiction, actions for compensation may only be brought at the court of the place where the damage was suffered, where the dangerous activity was conducted, or where the defendant has his habitual residence.[[188]](#footnote-188) Moreover, any association or foundation that aims at protecting the environment may submit a request for the prohibition of dangerous activity which is unlawful and poses a grave threat of damage to the environment.[[189]](#footnote-189)
2. The *CTEIA* provides that Parties shall, in accordance with their legal systems and, if desired, on a reciprocal basis, provide natural or legal persons who are being or are capable of being adversely affected by the transboundary effects of an industrial accident in the territory of a Party, with access to, and treatment in the relevant administrative and judicial proceedings, including the possibility of starting a legal action and appealing a decision affecting their rights, equivalent to those available to persons within their own jurisdiction.[[190]](#footnote-190)
3. The *Paris Convention* establishes a regime for imposing liability upon operators of nuclear installations and seeks to ensure adequate and equitable compensation for persons who suffer damage caused by nuclear incidents.[[191]](#footnote-191) The Convention allows legal actions to be brought by persons residing in contracting States, non-contracting States without nuclear installations, and non-contracting States with equivalent legislation.[[192]](#footnote-192) For legislation of a non-contracting State to be equivalent it must reflect, *inter alia*, the following principles found in the convention: liability without operator fault; exclusive liability of the operator; exclusive jurisdiction of the competent court; equal treatment of all victims of nuclear incident; recognition and enforcements of judgments; and free transfer of compensation, interest and costs.[[193]](#footnote-193) Generally, jurisdiction lies in the territory of the contracting State where the nuclear incident occurred.[[194]](#footnote-194) Any person and any State may bring an action on behalf of persons connected to their State who have suffered nuclear damage, provided that the action is brought within thirty years of personal injury or loss of life, or within ten years of property and other damages.[[195]](#footnote-195)
4. The objective of the *UNECE Protocol on Civil Liability* is to provide for a comprehensive regime for civil liability and for adequate and prompt compensation for damage caused by the transboundary effects of industrial accidents on transboundary waters.[[196]](#footnote-196) The Protocol places strict liability on operators[[197]](#footnote-197) for damage caused by an industrial accident, and allows individuals to bring claims for compensation in courts of a Party where (a) the damage was suffered; (b) the industrial accident occurred; or (c) the defendant has his or her habitual residence, or, if the defendant is a company or other legal person or an association of natural or legal persons, where it has its principal place of business, its statutory seat or central administration.[[198]](#footnote-198)

### Environmental assessment linked to human impacts

1. Some agreements provide for assessment of the environmental impacts of planned or proposed activities.
2. *UNCLOS* requires that States shall, as far as practicable, undertake assessments when they have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, and share these assessments with States through the competent international organizations.[[199]](#footnote-199)
3. The *Cartagena Protocol* requires Parties to undertake a risk assessment to identify and evaluate the possible adverse effects of living modified organisms on the conservation and sustainable use of biological diversity in the likely potential receiving environment, taking also into account risks to human health.[[200]](#footnote-200)
4. The *FCCC* includes impact assessment as an example of a method to minimize adverse effects on public health and the quality of the environment of project or measures undertaken by Parties to mitigate or adapt to climate change.[[201]](#footnote-201)
5. The *Minamata* Convention requires that any actions Parties take to reduce the risks posed by contaminated sites shall be performed in an environmentally sound manner incorporating, where appropriate, an assessment of the risks to human health and the environment from the mercury or mercury compounds they contain.[[202]](#footnote-202) Parties shall also endeavour to cooperate to develop and improve, taking into account their respective circumstances and capabilities, assessments of the impact of mercury and mercury compounds on human health and the environment, in addition to social, economic and cultural impacts.[[203]](#footnote-203)
6. At the regional level, the *UNECE* *Transboundary Watercourse Convention* lists environmental impact assessment among the ways to prevent, control and reduce transboundary impacts, which include effects on human health and safety and the cultural heritage or socio-economic conditions.[[204]](#footnote-204) The States take on to cooperate in the implementation of environmental impact assessments relating to transboundary waters, in accordance with appropriate international regulations.[[205]](#footnote-205)
7. The *Protocol on Water and Health* requests its Parties to base all measures to reduce, prevent and control water-related disease upon an assessment of all its implications, including the benefits, disadvantages and costs for human health, water resources and sustainable development.[[206]](#footnote-206)
8. The *Espoo Convention* states that Parties shall take all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities.[[207]](#footnote-207) The Convention requires Parties to undertake an environmental impact assessment prior to a decision to authorize or undertake a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.[[208]](#footnote-208) Harmful transboundary “effects” are defined as, *inter alia*, any effect caused by a proposed activity on the environment including human health and safety, and also “includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors.”[[209]](#footnote-209)

### Education and public awareness

1. Some agreements call for Parties to promote public awareness and implement education initiatives on environmental harm.
2. The *Montreal Protocol* requires Parties, individually, jointly or through competent international bodies, to co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.[[210]](#footnote-210)
3. The *Stockholm Convention* provides that each Party shall, within its capabilities, promote and facilitate the development and implementation of educational and public awareness programmes on persistent organic pollutants.[[211]](#footnote-211)
4. The  *Biodiversity Convention* provides that Parties shall promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity through, *inter alia*, the inclusion of these topics in educational programmes and to cooperate with other States and international organisations to develop public awareness programmes.[[212]](#footnote-212) Similarly, the *Cartagena Protocol* provides that Parties shall promote and facilitate education and public awareness concerning the safe transfer, handling and use of living modified organisms on the conservation and sustainable use of biological diversity, taking into account risks to human health.[[213]](#footnote-213)
5. The  *Desertification Convention* calls on Parties to cooperate in undertaking and supporting public awareness and educational programmes in affected country Parties to promote understanding of the causes and effects of desertification and drought, including through the development and exchange of educational and public awareness materials, assessing the educational needs in affected areas, and elaborating appropriate school curricula.[[214]](#footnote-214)
6. The *FCCC* calls on Parties to promote and facilitate at the national, and as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities, the development and implementation of educational and public awareness programmes on climate change and its effects.[[215]](#footnote-215)
7. The *Minamata Convention* provides thateach Party shall, within its capabilities, promote and facilitate education, training and public awareness related to the effects of exposure to mercury and mercury compounds on human health and the environment in collaboration with relevant intergovernmental and non-governmental organizations and vulnerable populations, as appropriate.[[216]](#footnote-216)
8. At the regional level, the *Protocol on Water and Health* provides that Parties shall take steps designed to enhance the awareness of all sectors of the public about the importance of and the relationship between water management and public health and the rights and entitlements to water and corresponding obligations under private and public law of natural and legal persons and institutions, whether in the public sector or the private sector, as well as their moral obligations to contribute to the protection of the water environment and the conservation of water resources.[[217]](#footnote-217)
9. The *LRTAP* *Convention* states that Contracting Parties, as appropriate to their needs, shall initiate and co-operate in the conduct of research into and/or development of education and training programmes related to environmental aspects of air pollution.[[218]](#footnote-218)

## Substantive Obligations

1. As noted above, global and regional environmental agreements usually do not characterise obligations on their Parties as human rights obligations.[[219]](#footnote-219) However, these agreements typically do require Parties to undertake specific steps in order to prevent environmental harm to human life and health. The following is far from an exhaustive list; it is intended only to give a sense of the range of such requirements.
2. *UNCLOS* requires member States to takes a variety of measures to prevent, reduce and control pollution of the marine environment.[[220]](#footnote-220) The Convention defines such pollution as having deleterious effects by, *inter alia*, presenting hazards to human health.[[221]](#footnote-221) These measures include regular monitoring of the risks or effects of pollution and the adoption of law and regulations, including adequate enforcement measures, to address pollution from land-based sources, sea-bed activities, dumping, vessels, and the atmosphere.[[222]](#footnote-222)
3. The *Ozone Convention* provides that Parties shall take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.[[223]](#footnote-223) The Convention defines “adverse effects” as “changes in the physical environment or biota, including changes in climate, which have significant deleterious effects on human health or on the composition, resilience and productivity of natural and managed ecosystems, or on materials useful to mankind.”[[224]](#footnote-224) The *Montreal Protocol* builds on the Ozone Convention and sets out specific obligations to reduce ozone depleting substances that it connects with adverse impacts on human health.[[225]](#footnote-225) The Protocol also allows for a system of adjustments to respond quickly to new scientific information and allow Parties to agree to accelerate the reductions required on chemicals already covered by the Protocol.
4. The *Basel Convention* links the control of pollution from hazardous wastes to the protection of human health, including through the appropriate management and transboundary movement of such waste.[[226]](#footnote-226) It defines environmentally sound management of hazardous wastes or other waste as “taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.”[[227]](#footnote-227) It also sets out many steps that States must take in order to safely manage and transport transboundary and other wastes.[[228]](#footnote-228)
5. The *Rotterdam Convention* defines banned or severely restricted chemicals based on, among other things, their potential impact on human health and requires Parties to comply with the Convention’s prior informed consent procedure with respect to such chemicals.[[229]](#footnote-229)
6. The *Stockholm Convention* sets out specific measures on States to reduce or eliminate releases from both intentional and unintentional production and use of certain chemicals that are persistent organic pollutants as well as stockpiles and wastes.[[230]](#footnote-230) It also provides that each Party shall develop and endeavour to implement a plan for the implementation of its obligations under the Convention.[[231]](#footnote-231) Parties also shall, within their capabilities, encourage and/or undertake research, development, and monitoring pertaining to persistent organic pollutants.[[232]](#footnote-232)
7. The  *Biodiversity Convention* provides that each Contracting Party shall, as far as possible and as appropriate, establish or maintain means to regulate, manage, and control the risks associated with living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health.[[233]](#footnote-233)
8. One of the objectives of the *Treaty on Plant Genetic Resources* is the conservation and sustainable use of plant genetic resources for sustainable agriculture and food security.[[234]](#footnote-234)
9. The *Cartagena Protocol’s* objectives include regulating the safe handling, transfer, and use of living modified organisms taking into account risks to human health.[[235]](#footnote-235) To this end, it sets out obligations on Parties to ensure that the development, handling, transport, use, transfer and release of any living modified organisms are undertaken in a manner that reduces the risks to biological diversity, taking account risks to human health.[[236]](#footnote-236)
10. The *International Watercourses Convention* requires States to prevent, reduce and control the pollution of an international watercourse that may cause significant harm to other watercourse States or to their environment, including harm to human health or safety.[[237]](#footnote-237) It provides that States shall, at the request of any of them, consult with a view to arriving at mutually agreeable measures and methods to prevent, reduce and control pollution of an international watercourse, including by setting joint water quality objectives and criteria, establishing techniques and practices to address pollution from point and non-point sources, and establishing a list of regulated substances.[[238]](#footnote-238) The Convention also specifies that in the event of a conflict between uses of an international watercourse, special regard should be given to the requirements of vital human needs.[[239]](#footnote-239)
11. The *MARPOL Convention* defines harmful substances to include any substance that is liable to create hazards to human health, and requires States to undertake to prevent the pollution of the marine environment by discharge of harmful substances or effluents containing such substances.[[240]](#footnote-240)
12. The *FCCC* provides that Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives, and circumstances, shall take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, formulated and determined nationally, with a view to minimizing adverse effects on, *inter alia*, public health from projects or measures undertaken by them to mitigate or adapt to climate change.[[241]](#footnote-241) The *Kyoto Protocol* provides that Parties shall strive to implement policies and measures under the Protocol in such a way as to minimize adverse effects and social impacts on other countries.[[242]](#footnote-242) “Adverse effect” is defined using the definition set forth in the UNFCCC, which includes significant deleterious effects on human health.[[243]](#footnote-243)
13. The *1997 IAEA Joint Convention* provides that each Contracting Party shall take the appropriate steps to ensure that at all stages of spent fuel and radioactive waste management, individuals, society and the environment are adequately protected against radiological hazards.[[244]](#footnote-244) It specifies that Parties shall take the appropriate steps to provide for effective protection of individuals, society and the environment, by applying at the national level suitable protective methods as approved by the regulatory body, in the framework of its national legislation which has due regard to internationally endorsed criteria and standards.[[245]](#footnote-245)
14. The objective of the *Minamata Convention* is to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.[[246]](#footnote-246) The Convention has many provisions relating to the protection of human health.[[247]](#footnote-247) Article 16 specifically covers health aspects, and encourages Parties to promote the development and implementation of strategies and programmes to identify and protect populations at risk, promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to mercury or mercury compounds, and establish and strengthen, as appropriate, the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks related to the exposure to mercury and mercury compounds.[[248]](#footnote-248)
15. At the regional level, the *OSPAR Convention* provides that Contracting Parties shall take all possible steps to prevent and eliminate pollution[[249]](#footnote-249) and shall take the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health.[[250]](#footnote-250) With specific regard to offshore installations, Parties may not issue permits if the disused offshore installation or disused offshore pipeline contains substances which result or are likely to result in, among other things, hazards to human health.[[251]](#footnote-251)
16. The *Protocol on Water and Health* states as its objective the protection of human health and well-being, both individual and collective, within a framework of sustainable development, through improving water management, including the protection of water ecosystems, and through preventing, controlling and reducing water-related disease.[[252]](#footnote-252) Parties shall pursue the aims of access to drinking water and the provision of sanitation for everyone within a framework of integrated water-management systems aimed at sustainable use of water resources, ambient water quality which does not endanger human health, and protection of water ecosystems.[[253]](#footnote-253)
17. The Parties to the *Baltic Sea Convention* are required to take appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution and shall apply the precautionary principle.[[254]](#footnote-254) Pollution is defined as the introduction by man, directly or indirectly, of substances or energy into the sea, which are liable to create hazards to human health.Contracting States shall take all appropriate measures in order to ensure the sustainable use of natural resources within the Baltic Sea Area.[[255]](#footnote-255) However, measures taken under the Convention shall not lead to increased risks to human health.[[256]](#footnote-256)
18. The *Amendments to the Barcelona Convention* provide that Contracting Parties shall individually or jointly take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea area and protect and enhance the marine environment in that area, where pollution is defined as, among other things, causing hazards to human health.[[257]](#footnote-257)
19. Contracting Parties to the *Danube River Convention,* taking into account the urgency of water pollution abatement measures and of rational, sustainable water use, shall set priorities as appropriate and shall strengthen, harmonise and coordinate measures aiming at sustainable development and environmental protection of the Danube River. This objective in particular is directed to ensure the sustainable use of water resources for municipal, industrial and agricultural purposes, as well as to address requirements for public health.[[258]](#footnote-258) In addition, the Convention specifies that water management cooperation shall be oriented on sustainable water management, directed to, *inter alia*, maintain the overall quality of life.[[259]](#footnote-259)
20. The *Protocol on Water and Health* provides that “Parties shall take all appropriate measures to prevent, control and reduce water-related disease within a framework of integrated water-management systems aimed at sustainable use of water resources, ambient water quality which does not endanger human health, and protection of water ecosystems.”[[260]](#footnote-260) Specific measures include the “effective” protection of water resources used as sources of drinking water, and their related water ecosystems, from pollution so as to eliminate discharges and emissions of substances judged to be hazardous to human health and the implementation of sufficient safeguards for human health against water-related disease arising from the use of water for recreational purposes, from the use of water for aquaculture, from the water in which shellfish are produced or from which they are harvested, from the use of waste water for irrigation, or from the use of sewage sludge in agriculture or aquaculture.[[261]](#footnote-261)
21. The Contracting Parties to the *LRTAP Convention* are determined to protect man and his environment against air pollution and endeavour to limit, and, as far as possible, gradually reduce and prevent air pollution include long-range transboundary pollution.[[262]](#footnote-262) To this end, the Convention calls for the establishment of air quality management controls based on the best practices developed through collaborative research, information exchange, and monitoring.[[263]](#footnote-263) Various protocols implement additional measures to reduce the impact of certain air pollutants, such as the monitoring, control and reduction of the emissions; the reporting of emissions data; the establishment of strategies and public policy; and the creation of public awareness.[[264]](#footnote-264) The most recent protocol, which pre-empted portions of the previous protocols, was amended in 2012 and reflects recently renegotiated emissions ceilings for sulphur, nitrogen oxide, volatile organic compounds and ammonia.[[265]](#footnote-265)
22. The *CTEIA* provides that Parties shall take appropriate measures to protect human beings and the environment against industrial accidents by preventing such accidents as far as possible, reducing their frequency and severity and mitigating their effects.[[266]](#footnote-266)
23. The *Espoo Convention* aims to reduce transboundary environmental impacts, where “impact” is defined as, *inter alia*, any effect caused by a proposed activity on the environment including human health and safety.[[267]](#footnote-267) The Convention states that Parties shall take all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities.[[268]](#footnote-268) These measures include the undertaking of an environmental impact assessment prior to a decision to authorize or undertake a proposed activity that is likely to cause a significant adverse transboundary impact.[[269]](#footnote-269)

## Obligations Relating to Members of Groups in Vulnerable Situations

1. Some agreements include provisions aimed at the protection of groups particularly vulnerable to environmental harm. These agreements may address such groups generally. For example, the *Cancun Agreements* affirm that adaptation measures to address climate change should take into consideration vulnerable groups, communities and ecosystems.[[270]](#footnote-270) The *Minamata Convention* encourages Parties to promotethe development and implementation of strategies and programmes to identify and protect populations at risk, particularly vulnerable populations. [[271]](#footnote-271) It also provides that Parties shall, within their capabilities, promote and facilitate education, training and public awareness related to the effects of exposure to mercury and mercury compounds on human health and the environment in collaboration with, among others, relevant vulnerable populations, as appropriate.[[272]](#footnote-272)And the *Protocol on Water and Health* provides that special consideration should be given to the protection of people who are particularly vulnerable to water-related disease.[[273]](#footnote-273)
2. Other agreements address particular groups, including women, children, indigenous peoples and farmers.

### Women and children

1. At the global level, the *Stockholm Convention* provides that each “Party shall, within its capabilities, promote and facilitate development and implementation, especially for women, children and the least educated, of education and public awareness programs on persistent organic pollutants, including on their health and environmental effects and their alternatives.”[[274]](#footnote-274) It also requires that in developing, implementing and updating implementation plans under the Convention, Parties shall, where appropriate, consult with their national stakeholders, including women’s groups and groups involved in the health of children.[[275]](#footnote-275)
2. The Contracting Parties to the  *Biodiversity Convention* recognize “the vital role that women play in the conservation and sustainable use of biological diversity” and affirm “the need for the full participation of women at levels of policymaking and implementation for biological diversity conservation.”[[276]](#footnote-276)
3. The  *Desertification Convention* stresses the “important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries.”[[277]](#footnote-277) It also has many public participation provisions that highlight the role of women and children. For example, it provides that affected country Parties undertake to facilitate the participation of local populations, particularly women and youth,[[278]](#footnote-278) and that Parties shall promote, as appropriate, capacity-building through the full participation of at all levels of local people, especially women and youth.[[279]](#footnote-279)
4. The *Cancun Agreements* recognise that gender equality and the effective participation of women are important for effective action on all aspects of climate change.[[280]](#footnote-280) Moreover, the Parties affirm that responses to climate change should be coordinated with social and economic development in an integrated manner, with a view to avoiding adverse impacts on the latter, taking fully into account the consequences for vulnerable groups, in particular women and children.[[281]](#footnote-281)
5. The *Minamata Convention* provides that each Party shall include in its national action plan strategies to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women, to mercury used in artisanal and small-scale gold mining.[[282]](#footnote-282)

### Indigenous peoples and local communities

1. Many environmental agreements address the effects of environmental harm on indigenous peoples.
2. The *Biodiversity Convention* recognizes the connection between maintaining knowledge, innovations and practices of indigenous and local communities with the conservation and sustainable use of biological diversity, and provides that Contracting Parties shall, as far as possible and appropriate, encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.[[283]](#footnote-283) Furthermore, it specifies that each Party shall, as far as possible and as appropriate, “protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.”[[284]](#footnote-284)
3. The *Cartagena Protocol* provides that Parties may take into account when implementing the Protocol “socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities.”[[285]](#footnote-285) The Protocol also encourages Parties “to cooperate on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities.”[[286]](#footnote-286)
4. The *Desertification Convention* refers to the need to protect traditional knowledge, technology, know-how and practices, and to provide appropriate return from the benefits derived from it, on an equitable basis and on mutually agreed terms, to the local populations concerned.[[287]](#footnote-287)
5. The *Treaty on Plant Genetic Resources* provides that each Party shall, as appropriate, promote in situ conservation of wild crop relatives and wild plants for food production, including in protected areas, by supporting, inter alia, the efforts of indigenous and local communities.[[288]](#footnote-288)
6. The *Cancun Agreements* recognise that that participation of indigenous peoples is important for effective action on all aspects of climate change.[[289]](#footnote-289) They further affirm that adaptation measures should be guided and based on, as appropriate, traditional and indigenous knowledge.[[290]](#footnote-290) The agreements also provide that when States undertake REDD measures to reduce emissions from deforestation and forest degradation in developing countries, States should promote and support “respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, as well as “the full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities.”[[291]](#footnote-291)
7. At the regional level, the *Protocol on Water and Health* provides that Parties should give due account to local problems, needs and knowledge.[[292]](#footnote-292)

### Farmers

1. The *Treaty on Plant Genetic Resources* has many provisions focusing on the protection of farmers’ rights, including an entire article devoted to farmers’ rights. For example, the Treaty provides that the responsibility for realizing farmers’ rights, as they relate to plant genetic resources for food and agriculture, rests with national governments, and recommends that each Party should take measures, as appropriate, and subject to its national legislation, to protect and promote farmers’ rights, including the protection of traditional knowledge relevant to plant genetic resources for food and agriculture; the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.[[293]](#footnote-293)

# Cross-cutting Issues

1. This section describes how selected global environmental agreements address the following issues that cut across a range of possible rights and duties: transboundary environmental harm; non-State actors; harm to non-human interests; and the protection of future generations.

## Obligations Relating to Transboundary Harm

1. Most international environmental agreements address transboundary harm. For example, the *1997 Vienna Convention*applies to nuclear damage wherever suffered in any Contracting State.[[294]](#footnote-294) The *Montreal Protocol* applies to the global release of ozone depleting substances.[[295]](#footnote-295) The *Basel Convention* applies to the transboundary movement of hazardous and other wastes.[[296]](#footnote-296) The *Rotterdam Convention* applies to the export of hazardous chemicals and pesticides,[[297]](#footnote-297) while the *Stockholm Convention* regulates persistent organic pollutants that move across international boundaries and can be deposited and accumulate far from their place of release.[[298]](#footnote-298) The *Cartagena Protocol* applies to the transboundary movement of living modified organisms.[[299]](#footnote-299) The *International Watercourse Convention* applies to uses of international watercourses.[[300]](#footnote-300) The *Desertification Convention* reflects that desertification and drought are problems of global dimension and that joint action of the international community is needed to combat their effects.[[301]](#footnote-301) The *FCCC* and the *Kyoto Protocol* seek to stabilize greenhouse gas concentrations in the atmosphere that are released globally.[[302]](#footnote-302)
2. At the regional level, the *Baltic Sea Convention* addresses transboundary pollution in areas outside the Baltic Sea Area.[[303]](#footnote-303) The *UNECE Transboundary Watercourse Convention* addresses “transboundary waters,” which it understands as any surface or ground waters, which mark, cross or are located on boundaries between two or more States.[[304]](#footnote-304) The *OSPAR Convention* recognizes that concerted action at national, regional and global levels is essential to prevent and eliminate marine pollution and to achieve sustainable management of the maritime area, where marine pollution is linked to the protection of human health.[[305]](#footnote-305) The objective of the *Protocol on Water and Health* is to promote at all appropriate levels, nationally as well as in transboundary and international contexts, the protection of human health and well-being, both individual and collective, within a framework of sustainable development, through improving water management, including the protection of water ecosystems, and through preventing, controlling and reducing water-related disease.[[306]](#footnote-306) Similarly, the Parties to the *North American Environmental Cooperation Agreement* recognize the interrelationship of the environments of the United States, Mexico and Canada, and the Agreement aims to “strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices.”[[307]](#footnote-307) The *Espoo Convention* seeks to enhance international co-operation in assessing transboundary environmental impacts.[[308]](#footnote-308) Other regional agreements also address transboundary environmental issues.
3. In general, international agreements also require or call for international cooperation to address transboundary issues. For example, *UNCLOS* provides that States shall co-operate on a global and regional basis in formulating and elaborating international rules, standards and recommended practices and procedures for the protection and preservation of the marine environment, including directly or through competent international.[[309]](#footnote-309) States shall also immediately notify other States that may be affected of imminent or actual damage by pollution, create contingency plans against marine pollution, cooperate to encourage the exchange of information and data, and create scientific criteria for regulations.[[310]](#footnote-310) *UNCLOS* also calls for international assistance, including scientific and technical assistance and preferential treatment for developing States, such as through the allocation of funds.[[311]](#footnote-311)
4. The *Montreal Protocol* has provisions calling for the establishment of a mechanism, which includes a multilateral fund, for providing financial and technical co-operation to specified developing countries.[[312]](#footnote-312) In addition, the Second Meeting of the Parties established the Multilateral Fund for the Implementation of the Montreal Protocol (Multilateral Fund). The Multilateral Fund meets the incremental costs incurred by developing country Parties in implementing the Protocol’s control measures.[[313]](#footnote-313)
5. The *Basel Convention* provides that Parties shall co-operate with each other to improve and achieve environmentally sound management of hazardous wastes and other wastes, including through information sharing, monitoring, technology improvement and development, and assisting developing countries in the implementation of the Convention.[[314]](#footnote-314) The Parties to the *Rotterdam Convention* agree to cooperate, directly, or through international organizations, in the implementation of the Convention at the subregional, regional and global levels.[[315]](#footnote-315) The *Stockholm Convention* provides that Parties shall cooperate to provide timely and appropriate technical assistance and financial resources to developing country Parties and Parties with economies in transition.[[316]](#footnote-316)
6. The *Biodiversity Convention* provides that each Party shall, as far as possible and appropriate, cooperate with other Parties for the conservation and sustainable use of biological diversity, particularly in respect of areas beyond national jurisdiction.[[317]](#footnote-317) Moreover, the Convention requires Parties to promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity[[318]](#footnote-318) and requests developed country Parties to provide new and additional financial assistance to developing country to help in fulfilling obligations under the Convention.[[319]](#footnote-319)
7. The  *Desertification Convention* has various provisions related to the need for international cooperation and assistance. For example, one of the principles of the Convention recommends that Parties should improve cooperation and coordination at regional and international levels.[[320]](#footnote-320) The Convention also provides that developed countries have the obligation to provide substantial financial resources and other forms of support to assist affected developing country Parties.[[321]](#footnote-321)
8. Similarly, the *FCCC* has many provisions related to international cooperation and assistance. For example, the Convention provides for the need to cooperate in preparing for adaption to the impacts of climate change, undertaking research, the exchange of information, and in education, training and public awareness related to climate change.[[322]](#footnote-322) It also calls for developed country Parties to provide financial resources to developing country Parties in complying with certain obligations under the Convention, including in meeting adaptation costs.[[323]](#footnote-323) The *Kyoto Protocol* requires Parties to cooperate with other Parties to enhance the individual and combined effectiveness of their policies and measures adopted under the Protocol, including through sharing their experiences and exchanging information.[[324]](#footnote-324)
9. The *Treaty on Plant Genetic Resources* provides that each Party shall, as appropriate, cooperate with other Contracting Parties, directly or through FAO and other relevant international organizations, in the conservation and sustainable use of plant genetic resources for food and agriculture.[[325]](#footnote-325) The Treaty specifies that international cooperation shall, in particular, be directed to, establishing or strengthening the capabilities of developing countries and countries with economies in transition with respect to conservation and sustainable use of plant genetic resources for food and agriculture; exchanging information and technology; maintaining and strengthening institutional arrangement, and implementing a funding strategy.[[326]](#footnote-326)
10. At the regional level, the *Baltic Sea Convention* provides that where two or more Contracting Parties share transboundary waters within the catchment area of the Baltic Sea, these Parties shall cooperate to ensure that potential impacts on the marine environment of the Baltic Sea Area are fully investigated within the environmental impact assessment of a proposed activity that is likely to cause a significant adverse impact on the marine environment of the Baltic Sea Area.[[327]](#footnote-327) It also provides for reporting and exchange of information among the contracting parties.[[328]](#footnote-328)
11. The contracting Parties to the *Danube River Convention* undertake to exchange information such as data on the riverine environment within the catchment area of the Danube, experiences in Best Available Techniques, emission and monitoring data, as well as measures taken to prevent, control and reduce transboundary impact.[[329]](#footnote-329)
12. The *UNECE Transboundary Watercourse Convention* emphasizes that cooperation between member countries in regard to the protection and use of transboundary waters shall be implemented primarily through the elaboration of agreements between countries bordering the same waters, especially where no such agreements have yet been reached.[[330]](#footnote-330) Parties shall also cooperate in the conduct of research into and development of effective techniques for the prevention, control and reduction of transboundary impact.[[331]](#footnote-331) States also agree to cooperate in the implementation of environmental impact assessments relating to transboundary waters in accordance with appropriate international regulations.[[332]](#footnote-332)
13. The *Protocol on Water and Health* provides that “the Parties shall cooperate and, as appropriate, assist each other: (a) [i]n international actions in support of the objectives of this Protocol; (b) [o]n request, in implementing national and local plans in pursuance of this Protocol.”[[333]](#footnote-333) Parties to the *Protocol on Water and Health* agree to cooperate on joint and coordinated international action relating to, among others information, databases, outbreaks, surveillance and early warning systems.[[334]](#footnote-334) Parties bordering the same transboundary waters undertake to cooperate more specifically in exchanging information and sharing knowledge. They also endeavor to establish joint or coordinated water-management plans and surveillance and early-warning systems and contingency plans for the purpose of responding to outbreaks and incidents of water-related disease and significant threats of such outbreaks and incidents, especially from water-pollution.[[335]](#footnote-335)
14. The *North American Agreement on Environmental Cooperation* provides that the Council created under the Agreement shall strengthen cooperation on the development and continuing improvement of environmental laws and regulations, including by promoting the exchange of information on criteria and methodologies used in establishing domestic environmental standards.[[336]](#footnote-336)
15. In the *Amendments to the Barcelona Convention,* the Parties undertake to cooperate as far as possible directly, or when appropriate through competent regional or other international organizations, in the fields of science and technology and to exchange data as well as other scientific information for the purpose of this Convention,[[337]](#footnote-337) as well as to cooperate on the establishment on research programs.[[338]](#footnote-338)
16. Parties to the *CTEIA* affirm the need to promote active international cooperation among the States concerned before, during and after an industrial accident, to enhance appropriate policies and to reinforce and coordinate action at all appropriate levels for promoting the prevention of, preparedness for and response to the transboundary effects of industrial accidents.[[339]](#footnote-339) They also note the importance and usefulness of bilateral and multilateral arrangements.[[340]](#footnote-340)
17. Parties to the *Madrid Protocol to the Antarctic Treaty* are to co-operate by, *inter alia*: promoting the protection of the Antarctic environment; assisting with Environmental Impact Assessments; sharing information; and exercising jurisdiction over areas adjacent to the Antarctic Treat area.[[341]](#footnote-341)
18. The *LTRAP* *Convention* provides that Contracting Parties shall “by means of exchanges of information, consultation, research and monitoring, develop without undue delay policies and strategies which shall serve as a means of combating the discharge of air pollutants” thereby contributing to the reduction of long-range transboundary air pollution.[[342]](#footnote-342) The *LRTAP Convention* further urges Parties to cooperate in the conduct of research and development in several areas, including the development of technology, developing models for understanding long range air pollution, researching the effects of sulphur compounds and other major air pollutants on human health, and development of education and training programmes related to the environmental aspects of pollution,[[343]](#footnote-343) Additionally, the Parties agree to participate in shared-cost financing to fund the cooperative programme for the monitoring and evaluation of long-range transmission of air pollutants in Europe with a combination of mandatory and voluntary contributions.[[344]](#footnote-344)
19. The Parties to the *Espoo Convention* state their determination to enhance international co-operation in assessing the environmental impact in a transboundary context.[[345]](#footnote-345) The Convention further provides that Parties may engage in bilateral or multilateral cooperation in order to implement their obligations under the Convention, including through agreements or other arrangements.[[346]](#footnote-346) Its Appendix VI includes recommended provisions for bilateral and multilateral agreements.
20. A number of agreements specifically address the rights of those affected by transboundary environmental harm, making clear that their provisions are to be applied without discrimination against those who are citizens or residents of other countries. For example, the *1997 Vienna Convention* provides that the Convention and the national law applicable thereunder shall be applied without any discrimination based upon nationality, domicile or residence.[[347]](#footnote-347) The *International Watercourses Convention* ties non-discrimination to access to adequate remedy, and provides that States shall not discriminate on the basis of nationality or residence or place where the injury occurred, in granting to such persons, in accordance with its legal system, access to judicial or other procedures, or a right to claim compensation or other relief in respect of significant harm caused by such activities carried on in its territory.[[348]](#footnote-348)
21. At the regional level, the *Paris Convention* requires that States apply its principles “without any discrimination based on nationality, domicile, or residence.”[[349]](#footnote-349) The *CTEIA* links non-discrimination to remedies insofar as it requires member States to afford non-citizens that are adversely affected or threatened by hazardous activity with the same legal remedies that are available to their own citizens.[[350]](#footnote-350) Similarly, the *Nordic Environmental Protection Convention* provides that any person living in a Contracting State who may be affected by an environmental nuisance may pursue a court order to the same extent and on the same terms as a legal entity of the State in which the nuisance is being carried out.[[351]](#footnote-351) The *Espoo Convention* also provides that the opportunity for the public in areas that may be affected by activities in the Party of origin to participate in relevant environmental impact assessment procedures is equivalent to that provided to the public of the Party of origin.[[352]](#footnote-352) And the *UNECE Protocol on Civil Liability* provides that the Protocol shall be applied among the Parties without discrimination based on nationality, domicile or residence.[[353]](#footnote-353)

## Obligations Relating to Non-State Actors

1. The *Protocol on Water and Health* provides that as a “counterpart to their rights and entitlements to water under private law and public law, natural and legal persons and institutions, whether in the public sector or the private sector, should contribute to the protection of the water environment and the conservation of water resources.”[[354]](#footnote-354)

## Obligations Relating to Environmental Protection without Explicit Connections to Human Interests

1. Many treaties have provisions relating to the protection of components of the environment without explicit links to human interests.
2. The *Civil Liability Convention* makes provision for compensation for pollution damage to the environment limited to costs of reasonable measures of reinstatement.[[355]](#footnote-355)
3. *1997 Vienna Convention* defines nuclear damage to include the costs of measures of reinstatement of impaired environment, unless such impairment is insignificant, and if such measures are actually taken or to be taken. [[356]](#footnote-356) The Convention defines “measures of reinstatement” as any reasonable measures which have been approved by the competent authorities of the State where the measures were taken, and which aim to reinstate or restore damaged or destroyed components of the environment, or to introduce, where reasonable, the equivalent of these components into the environment.[[357]](#footnote-357) The law of the State where the damage is suffered shall determine who is entitled to take such measures.
4. *UNCLOS* provides that States have the obligation to protect and preserve the marine environment.[[358]](#footnote-358) It also defines “pollution of the marine environment” to include pollution that results or is likely to result in such deleterious effects as harm to living resources and marine life.[[359]](#footnote-359)
5. *The Basel Convention* links pollution caused by hazardous waste as posing a growing threat and creating a risk of damage to the environment, and requires the environmentally sound management of such wastes to protect the environment.[[360]](#footnote-360)
6. Similarly, the *Rotterdam Convention* lists as one of its objectives to protect the environment from certain hazardous chemicals and pesticides,[[361]](#footnote-361) while the *Stockholm Convention* provides that an objective of the Convention is to protect the environment from persistent organic pollutants.[[362]](#footnote-362)
7. One of the three main objectives of the *Biodiversity Convention* is the conservation of biological diversity, which gives rise to many obligations under the Convention.[[363]](#footnote-363)
8. The *International Watercourse Convention* has some provisions that pertain to environmental protection, including those related to protection and preservation of ecosystems; prevention, reduction and control of pollution that may cause significant harm to living resources of the watercourse; introduction of alien or new species; and protection and preservation of the marine environment.[[364]](#footnote-364)
9. The *FCCC* provides that all Parties shall develop appropriate and integrated plans for integrated coastal zone management, water resources and agriculture, and the protection and rehabilitation of areas affected by drought, desertification and floods.[[365]](#footnote-365) It also calls for cooperation to conserve and enhance, as appropriate, carbon sinks, such as forests, oceans, and terrestrial, coastal and marine ecosystems.[[366]](#footnote-366) Similarly, the *Kyoto Protocol* provides that each Party shall take environmental protection measures, including the promotion of sustainable forest management practices and afforestation and reforestation.[[367]](#footnote-367)
10. The *MARPOL Convention* defines harmful substances to include any substance that is liable to, *inter alia,* harm living resources and marine life.[[368]](#footnote-368)
11. At the regional level, the *Baltic Sea Convention* points out the indispensable value of the marine environment of the Baltic Sea Area, its exceptional hydrographic and ecological characteristics and the sensitivity of its living resources to changes in the environment.[[369]](#footnote-369) It identifies “pollution” as the introduction of substances or energy by man, directly or indirectly, into the sea, including estuaries, which are liable to create hazards, *inter alia*, to harm living resources and marine ecosystems.[[370]](#footnote-370)  Contracting Parties to the *Baltic Sea Convention* are required to take all appropriate measures with respect to the Baltic Sea Area and its coastal ecosystems to conserve natural habitats and biological diversity and to protect ecological processes.[[371]](#footnote-371) Further, Contracting Parties shall take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance.[[372]](#footnote-372)
12. The *UNECE Transboundary Watercourse Convention* applies to the existence and threats of adverse effects, in the short or long term, of changes in the conditions of transboundary watercourses and international lakes on the environment, including on flora, fauna, soil, air and water.[[373]](#footnote-373)
13. The *OSPAR Convention* defines pollution as the introduction by man, directly or indirectly, of substances or energy into the maritime area which results, or is likely to result, in, among other things, harm to living resources and marine ecosystems.[[374]](#footnote-374) The Parties undertake to protect the maritime area against the adverse effects of human activities so as to conserve marine ecosystems and, when practicable, restore marine areas, which have been adversely affected.[[375]](#footnote-375)
14. The *North American Agreement on Environmental Cooperation* focuses on the development, improvement and enhancement of compliance with environmental laws,[[376]](#footnote-376) which it recognizes to encompass laws with the primary purpose, to among other things, to protect the environment and wild flora or fauna.[[377]](#footnote-377)
15. The *Amendments to the Barcelona Convention* aims to protect the Mediterranean Sea against pollution, defining pollution as the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources.[[378]](#footnote-378)
16. The *Lugano Convention* establishes a co-operative framework for imposing civil liability for loss or damage to the environment and also for the cost of restoring or reinstating the damaged environment.[[379]](#footnote-379) Environment includes natural resources both abiotic and biotic, such as air, water, soil, fauna and flora and the interaction between the same factors.[[380]](#footnote-380) The Convention defines “damage” as the loss or damage by impairment of the environment and the costs of preventive measures and any loss or damage caused by preventive measures.[[381]](#footnote-381)
17. The *Madrid Protocol* aims to enhance the protection of the Antarctic environment and dependent ecosystems by instituting a comprehensive regime for the protection of the Antarctic environment.[[382]](#footnote-382) The Protocol’s objective is the comprehensive protection of the Antarctic environment and associated ecosystems, and it designates Antarctica as a natural reserve, devoted to peace and science.[[383]](#footnote-383) The Protocol sets out the basic principles for conducting human activity on Antarctica and provides that such activities are to be planned and conducted according to prior assessments and continual monitoring of the activity’s impact so as to avoid adverse impacts on the environment, including, *inter alia*: climate; air or water quality; flora and fauna; the continent’s scientific research value; and atmospheric, terrestrial, glacial, or marine environments.[[384]](#footnote-384)
18. The *Paris Convention* imposes liability for nuclear damage that results in “measures of reinstatement of impaired environment, unless such impairment is insignificant, if such measures are actually taken or to be taken.”[[385]](#footnote-385)
19. The *CTEIA* applies to the prevention of, preparedness for and response to industrial accidents capable of causing transboundary effects, where “effects” are defined as, *inter alia*, adverse consequences caused by an industrial accident on flora and fauna, soil, water, air and landscape.[[386]](#footnote-386) The Convention recognizes the importance and urgency of preventing serious adverse effects of industrial accidents on the environment and of promoting measures to enable environmentally sound and sustainable economic development.[[387]](#footnote-387) It aims to protect the environment against industrial accidents by preventing such accidents as far as possible, by reducing their frequency and severity and by mitigating their effects.[[388]](#footnote-388)
20. The *LRTAP Convention* aims to protect Contracting States from the adverse effects of air pollution where “air pollution” is defined as the introduction by man of substances or energy into the air that endangers or harms: living resources and ecosystems; material property; and the use of the environment.[[389]](#footnote-389)
21. The *Espoo Convention* aims to reduce transboundary environmental impacts, where “impact” is defined as any effect caused by a proposed activity on the environment, including, *inter alia*: flora, fauna, soil, air, water, climate, landscape and historical monuments.[[390]](#footnote-390)

## Obligations Relating to Future Generations

1. Many agreements refer to the protection of future generations.
2. The *Stockholm Convention*references impacts from persistent organic pollutants on future generations.[[391]](#footnote-391) The *Biodiversity Convention* defines “sustainable use” as the use of components of biological diversity in way and at a rate that allows its potential to meet the needs and aspirations of present and future generations.[[392]](#footnote-392) Parties to the *International Watercourse Convention* express the conviction that a framework convention will ensure the utilization, development, conservation, management and protection of international watercourses and the promotion of the optimal and sustainable utilization thereof for present and future generations.[[393]](#footnote-393)
3. Parties to the *Desertification Convention* note their determination to take appropriate action in combating desertification and mitigating the effects of drought for the benefit of present and future generations.[[394]](#footnote-394) The *FCCC* includes as one of its main principles that Parties should protect the climate system for the benefit of present and future generations of humankind.[[395]](#footnote-395) The *IAEA Joint Convention* refers to the need to manage spent fuel and radioactive waste so that individuals, society and the environment are protected from harmful effects of ionizing radiation, now and in the future, in such a way that the needs and aspirations of the present generation are met without compromising the ability of future generations to meet their needs and aspirations.[[396]](#footnote-396) It also requires Parties to take appropriate steps to strive to avoid actions that impose reasonably predictable impacts on future generations greater than those permitted for the current generation and to aim to avoid imposing undue burdens on future generations.[[397]](#footnote-397)
4. Parties to the *Treaty on Plant Genetic Resources* acknowledge that the conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources for food and agriculture are essential for sustainable agricultural development for this and future generations.[[398]](#footnote-398) Furthermore, Parties are aware of their responsibility to past and future generations to conserve the world’s diversity of plant genetic resources for food and agriculture.[[399]](#footnote-399)
5. At the regional level, the *OSPAR Convention* recognizes the need to achieve sustainable management of the maritime area so as to meet the needs of present and future generations.[[400]](#footnote-400) The *Protocol on Water and Health* provides that water resources shall be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.[[401]](#footnote-401) The *North American Agreement on Environmental Cooperation* includes as one of its objectives fostering the protection and improvement of the environment in the territories of the Parties for the well-being of present and future generations.[[402]](#footnote-402) The *Amendments to the Barcelona Convention* undertake to protect the Mediterranean conscious of its economic, social, health and cultural value and fully aware of their responsibility to preserve this common heritage for the benefit and enjoyment of present and future generations.[[403]](#footnote-403) The *CTEIA* is mindful of the special importance, in the interest of present and future generations, of protecting human beings and the environment against the effects of industrial accidents.[[404]](#footnote-404)

# Conclusions

1. Although the main focus of most global and regional environmental agreements is on setting out the rights and duties of States vis-à-vis one another, and they rarely contain provisions on human rights as such, they are relevant to human rights obligations. Among other reasons, they often set out obligations relating to members of the public, which can help to inform related human rights. In addition, the great majority of these agreements are intended to protect interests that are identified in human rights instruments as human rights, including human life, health and property.

1. International Convention for the Prevention of Pollution from Ships, 1973, 2 November 1973, 2 I.L.M. 1319 (1973) and Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1972, 17 February 1978, 17 I.L.M. 546 (collectively, MARPOL Convention). [↑](#footnote-ref-1)
2. United Nations Convention on the Law of the Sea (UNCLOS), 10 December 1982, 1833 U.N.T.S. 3. [↑](#footnote-ref-2)
3. Vienna Convention for the Protection of the Ozone Layer (Ozone Convention), 22 March 1985, 1513 U.N.T.S. 293. [↑](#footnote-ref-3)
4. Montreal Protocol on Substances that Deplete the Ozone Layer (as either adjusted and/or amended in London 1990; Copenhagen 1992, Vienna 1995; Montreal 1997; Beijing 1999) (Montreal Protocol), 16 September 1987, 1522 U.N.T.S. 3. [↑](#footnote-ref-4)
5. Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (Basel Convention), 22 March 1989, 1673 U.N.T.S. 57. [↑](#footnote-ref-5)
6. U.N. Framework Convention on Climate Change (FCCC), 9 May 1992, 1771 U.N.T.S. 107. [↑](#footnote-ref-6)
7. Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol), 11 December 1997, U.N. Doc. FCCC/CP/1997/L.7/Add.1. [↑](#footnote-ref-7)
8. Convention on Biological Diversity (Biodiversity Convention), 5 June 1992, 1760 U.N.T.S. 79. [↑](#footnote-ref-8)
9. Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Cartagena Protocol), 29 January 2000, 39 I.L.M. 1027 (2000). [↑](#footnote-ref-9)
10. Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage of 29 November 1969 (Civil Liability Convention), 27 November 1992, 1956 U.N.T.S. 255. [↑](#footnote-ref-10)
11. Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (Desertification Convention), 14 October 1994, 1954 U.N.T.S. 3. [↑](#footnote-ref-11)
12. International Atomic Energy Agency (IAEA), 1997 Protocol to amend the 1963 Convention on Civil Liability for Nuclear Int’l Atomic Energy Agency (1997 Vienna Convention), 12 September 1997, *available at* http://www.iaea.org/Publications/Documents/Conventions/protamend.html. Reference to the 1997 Vienna Convention includes the consolidated text of the 1963 Vienna Convention on Civil Liability for Nuclear Damage as amended by the 1997 Protocol. [↑](#footnote-ref-12)
13. United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (International Watercourses Convention), 21 May 1997, U.N. Doc. A/51/869. [↑](#footnote-ref-13)
14. IAEA, Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (IAEA Joint Convention), 30 I.L.M. 1431 (1997). [↑](#footnote-ref-14)
15. Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention), 11 September 1998, 38 I.L.M. 1 (1999). [↑](#footnote-ref-15)
16. Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention), 22 May 2001, U.N. Doc. UNEP/POPS/CONF/4. [↑](#footnote-ref-16)
17. International Treaty on Plant Genetic Resources for Food and Agriculture (Treaty on Plant Genetic Resources), 3 November 2001, *available at* [www.fao.org/ag/cgrfa/itpgr.htm#text](http://www.fao.org/ag/cgrfa/itpgr.htm#text). [↑](#footnote-ref-17)
18. Minamata Convention on Mercury (Minamata Convention), 10 October 2013, *available at* [www.mercuryconvention.org](http://www.mercuryconvention.org). [↑](#footnote-ref-18)
19. Paris Convention on Third Party Liability in the Field of Nuclear Energy of 29th July 1960, as amended by the Additional Protocol of 28th January 1964 and by the Protocol of 16th November 1982 (Paris Convention), 7 October 1988, 13706 U.N.T.S. 329. [↑](#footnote-ref-19)
20. Nordic Environmental Protection Convention, 19 February 1974, 13 I.L.M. 592. [↑](#footnote-ref-20)
21. UNECE Convention on Long-Range Transboundary Air Pollution, with subsequent protocols (LRTAP Convention) 13 November 1975, 1302 U.N.T.S. 217. *See also* 1985 Helsinki Protocol, 1988 Sofia Protocol, 1991 Geneva Protocol, and 1994 Oslo Protocol. [↑](#footnote-ref-21)
22. Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), 25 February 1991, 1989 U.N.T.S. 309. [↑](#footnote-ref-22)
23. Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol), 4 October 1991, 30 I.L.M. 1455. [↑](#footnote-ref-23)
24. Helsinki Convention on the Transboundary Effects of Industrial Accidents (CTEIA), 31 I.L.M. 1330 (1992). [↑](#footnote-ref-24)
25. 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE Transboundary Watercourses Convention), 17 March 1992, 1936 U.N.T.S. 269. [↑](#footnote-ref-25)
26. Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Protocol on Water and Health), 17 June 1999, 2331 U.N.T.S. 202. [↑](#footnote-ref-26)
27. 1992 Convention for the Protection of the Marine Environment of the Northeast Atlantic (OSPAR Convention), 22 September 1992, 2354 U.N.T.S. 67. [↑](#footnote-ref-27)
28. 1992 Convention on the Protection of the Marine Environment of the Baltic Sea Area (Baltic Sea Convention), 9 April 1992, 1507 U.N.T.S. 167. [↑](#footnote-ref-28)
29. North American Agreement on Environmental Cooperation, 14 September 1993, 32 I.L.M. 1482 (1993). [↑](#footnote-ref-29)
30. Lugano Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano Convention), 21 July 1993, 32 I.L.M. 480. [↑](#footnote-ref-30)
31. 1994 Convention on Cooperation and Sustainable Use of the Danube River (Danube River Convention), 29 June 1994, *available at* [www.icpdr.org/](http://www.icpdr.org/). [↑](#footnote-ref-31)
32. 1995 amendments to the 1976 Barcelona Convention for the Protection of the Mediterranean Sea, 16 February 1976, 1102 U.N.T.S. 27 (Amendments to the Barcelona Convention). [↑](#footnote-ref-32)
33. UNECE Protocol on Civil Liability and Compensation for Damage caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters To the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and to the 1992 Convention on the Transboundary Effects of Industrial Accidents (UNECE Protocol on Civil Liability), 21 May 2003, U.N.Doc. MP/WAT/2000/1. [↑](#footnote-ref-33)
34. The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, U.N. Doc. FCCC/CP/2010/7/Add.1, at 2 (2011) (quoting Human Rights Council Resolution 10/4, 25 March 2009, U.N. Doc. A/HRC/RES/10/4). [↑](#footnote-ref-34)
35. Desertification Convention, note 11 *supra,* preamble. [↑](#footnote-ref-35)
36. *See* UNCLOS, note 2 *supra,* arts. 1(4), 194. [↑](#footnote-ref-36)
37. *Ibid.* art. 194. [↑](#footnote-ref-37)
38. Ozone Convention, note 3 *supra,* preamble. [↑](#footnote-ref-38)
39. Montreal Protocol, note 4 *supra,* preamble. [↑](#footnote-ref-39)
40. Basel Convention, note 5 *supra,* preamble. [↑](#footnote-ref-40)
41. Rotterdam Convention, note 15 *supra,* preamble. [↑](#footnote-ref-41)
42. Stockholm Convention, note 16 *supra,* preamble. [↑](#footnote-ref-42)
43. *Ibid.* art. 1. [↑](#footnote-ref-43)
44. Biodiversity Convention, note 8 *supra,* preamble*.* [↑](#footnote-ref-44)
45. Cartagena Protocol, note 9 *supra,* preamble & art. 1. [↑](#footnote-ref-45)
46. FCCC, note 6 *supra,* art. 1(1). [↑](#footnote-ref-46)
47. 1997 Vienna Convention, note 12 *supra,* art. I(k). [↑](#footnote-ref-47)
48. Minamata Convention, note 18 *supra,* preamble. [↑](#footnote-ref-48)
49. *Ibid.* [↑](#footnote-ref-49)
50. OSPAR Convention, note 27 *supra,* art. 1(d). [↑](#footnote-ref-50)
51. Baltic Sea Convention, note 28 *supra,* art. 2(1) & preamble. [↑](#footnote-ref-51)
52. Amendments to the Barcelona Convention, note 32 *supra,* preamble. [↑](#footnote-ref-52)
53. *Ibid.* art. 2(a). [↑](#footnote-ref-53)
54. Protocol on Water and Health, note 26 *supra,* preamble. [↑](#footnote-ref-54)
55. *Ibid.* [↑](#footnote-ref-55)
56. *Ibid.* [↑](#footnote-ref-56)
57. LRTAP Convention, note 21 *supra,* art. 1(a). [↑](#footnote-ref-57)
58. UNECE Protocol on Civil Liability, note 33 *supra,* preamble*.* [↑](#footnote-ref-58)
59. Espoo Convention, note 22 *supra,* art. 1(vii), app. 1. [↑](#footnote-ref-59)
60. North American Agreement on Environmental Cooperation, note 29 *supra,* art. 45(2)(a). [↑](#footnote-ref-60)
61. 1997 Vienna Convention, note 12 *supra,* art. I(k). [↑](#footnote-ref-61)
62. Danube River Convention, note 31 *supra,* art. 1(c). [↑](#footnote-ref-62)
63. Paris Convention, note 19 *supra,* art. 3(a). [↑](#footnote-ref-63)
64. LRTAP Convention, note 21 *supra,* art. 1(a). [↑](#footnote-ref-64)
65. Lugano Convention, note30 *supra,* art. 2(7). [↑](#footnote-ref-65)
66. *Ibid.* art. 2(2). [↑](#footnote-ref-66)
67. UNECE Protocol on Civil Liability, note 33 *supra,* preamble*.* [↑](#footnote-ref-67)
68. *Ibid.* art. 2(2)(d). [↑](#footnote-ref-68)
69. Biodiversity Convention*,* note 8 *supra,* preamble. [↑](#footnote-ref-69)
70. FCCC, note 6 *supra,* art. 2. [↑](#footnote-ref-70)
71. Treaty on Plant Genetic Resources, note 17 *supra,* preamble. [↑](#footnote-ref-71)
72. Biodiversity Convention, note 8 *supra,* preamble. [↑](#footnote-ref-72)
73. Stockholm Convention, note 16 *supra,* preamble*.* [↑](#footnote-ref-73)
74. Cancun Agreements, note 34 *supra,* at 2. [↑](#footnote-ref-74)
75. Minamata Convention, note 18 *supra,* preamble*.* [↑](#footnote-ref-75)
76. *Ibid.* [↑](#footnote-ref-76)
77. Protocol on Water and Health, note 26 *supra,* preamble. [↑](#footnote-ref-77)
78. Rotterdam Convention, note 15 *supra,* art. 15(2). [↑](#footnote-ref-78)
79. Stockholm Convention, note 16 *supra,* arts. 10 (1)(b), 10(2). [↑](#footnote-ref-79)
80. *Ibid.* art. 10(4). [↑](#footnote-ref-80)
81. Cartagena Protocol, note 9 *supra,* art. 23(3). [↑](#footnote-ref-81)
82. Desertification Convention, note 11 *supra,* art. 16(b). [↑](#footnote-ref-82)
83. *Ibid.* art. 16(f). [↑](#footnote-ref-83)
84. FCCC, note 6 *supra,* art. 6(a)(ii). [↑](#footnote-ref-84)
85. IAEA Joint Convention, note 14 *supra,* preamble (iv). [↑](#footnote-ref-85)
86. *Ibid.* arts. 6(1)(iii), 13(1)(iii). [↑](#footnote-ref-86)
87. Minamata Convention, note 18 *supra,* art. 18(1). [↑](#footnote-ref-87)
88. UNECE Transboundary Water Convention, note 25 *supra,* art. 16(1). [↑](#footnote-ref-88)
89. *Ibid.* art. 16(1)(a) – (c). [↑](#footnote-ref-89)
90. *Ibid.* art. 16(2). [↑](#footnote-ref-90)
91. *Ibid.* Annex II (1)(a), (c). [↑](#footnote-ref-91)
92. Protocol on Water and Health, note 26 *supra,* art. 5(i). [↑](#footnote-ref-92)
93. *Ibid.* art. 10(1). [↑](#footnote-ref-93)
94. *Ibid.* art. 10(3) in conjunction with art. 7(4). [↑](#footnote-ref-94)
95. *Ibid.* art. 10(2). [↑](#footnote-ref-95)
96. *Ibid.* art. 10(3). [↑](#footnote-ref-96)
97. *Ibid.* art. 10(4). [↑](#footnote-ref-97)
98. *Ibid.* art. 10(5). [↑](#footnote-ref-98)
99. *Ibid.* art. 8(1)(a). [↑](#footnote-ref-99)
100. *Ibid.* [↑](#footnote-ref-100)
101. OSPAR Convention, note 27 *supra,* art. 9(2). [↑](#footnote-ref-101)
102. *Ibid.* art. 9(1)-(2). [↑](#footnote-ref-102)
103. *Ibid.* art. 9(4). [↑](#footnote-ref-103)
104. *Ibid.* art. 9(3). [↑](#footnote-ref-104)
105. *Ibid.* art. 2(3)(b)(i) in conjunction with Appendix 1(6)(a). [↑](#footnote-ref-105)
106. Baltic Sea Convention, note 28 *supra,* art. 17. [↑](#footnote-ref-106)
107. *Ibid.* [↑](#footnote-ref-107)
108. *Ibid.* art. 17(2). [↑](#footnote-ref-108)
109. *Ibid.* art. 18(1). [↑](#footnote-ref-109)
110. North American Agreement on Environmental Cooperation, note29 *supra,* art. 1(h). [↑](#footnote-ref-110)
111. *Ibid.* art. 2(1)(a). [↑](#footnote-ref-111)
112. *Ibid.* art. 4(1). [↑](#footnote-ref-112)
113. *Ibid.* art. 4(2). [↑](#footnote-ref-113)
114. *Ibid.* art. 39. [↑](#footnote-ref-114)
115. The Council is the governing body of the Commission for Environmental Cooperation, a regional organization created by the Agreement. [↑](#footnote-ref-115)
116. *Ibid.* art. 10(5)(a). [↑](#footnote-ref-116)
117. Danube River Convention,note31 *supra,* art. 14(1). [↑](#footnote-ref-117)
118. *Ibid.* art. 14(2). [↑](#footnote-ref-118)
119. *Ibid.* art. 14(3). [↑](#footnote-ref-119)
120. *Ibid.* art. 14(4). [↑](#footnote-ref-120)
121. The Convention defines public authorities as any public administration of a Party at national, regional or local level with responsibilities, and possessing information relating to the environment, with the exception of bodies acting in a judicial or legislative capacity (art. 13). [↑](#footnote-ref-121)
122. Lugano Convention, note30 *supra,* Ch. III, arts. 13-15. [↑](#footnote-ref-122)
123. *Ibid.* art. 14(2). [↑](#footnote-ref-123)
124. *Ibid.* art. 14, (2). [↑](#footnote-ref-124)
125. *Ibid.* art. 14(3)-(4). [↑](#footnote-ref-125)
126. *Ibid.* art. 14(5). [↑](#footnote-ref-126)
127. *Ibid.* art. 16. [↑](#footnote-ref-127)
128. *Ibid.* [↑](#footnote-ref-128)
129. *Ibid.* [↑](#footnote-ref-129)
130. CTEIA, note 24 *supra,* art. 9(1). [↑](#footnote-ref-130)
131. *Ibid.* Annex VIII. [↑](#footnote-ref-131)
132. UNECE Protocol on Civil Liability, note 33 *supra,* art. 8(5). [↑](#footnote-ref-132)
133. Stockholm Convention, note 16 *supra,* art. 10 (1)(d). [↑](#footnote-ref-133)
134. *Ibid.* art. 7(2). [↑](#footnote-ref-134)
135. Biodiversity Convention, note 8 *supra,* art. 14(1)(a). [↑](#footnote-ref-135)
136. Cartagena Protocol, note 9 *supra,* art. 23(2). [↑](#footnote-ref-136)
137. Desertification Convention, note 11 *supra,* art. 3(a). [↑](#footnote-ref-137)
138. *See, e.g.,* *ibid.* arts. 5 (Obligations of affected country Parties), 10 (National Action Programmes), 17 (Research and development), 19 (Capacity building, education and public awareness), Annex I, art. 6 (Strategic planning framework for sustainable development), Annex I, art. 8 (Content of national action programmes), Annex I, art. 9 (Preparation of national action programmes and implementation and evaluation indicators). [↑](#footnote-ref-138)
139. FCCC, note 6 *supra,* art. 6(a)(iii). [↑](#footnote-ref-139)
140. *Ibid.* art. 4(1)(i). [↑](#footnote-ref-140)
141. Cancun Agreements, note 34 *supra,* ¶ 7. [↑](#footnote-ref-141)
142. *Ibid.* ¶ 8. [↑](#footnote-ref-142)
143. *Ibid.* ¶¶ 70, 72, Appendix 1, ¶¶ 2 (c)–(d). [↑](#footnote-ref-143)
144. Treaty on Plant Genetic Resources, note 17 *supra,* arts. 9.2 (b), (c). [↑](#footnote-ref-144)
145. Protocol on Water and Health, note 26 *supra,* art. 5(i). [↑](#footnote-ref-145)
146. North American Agreement on Environmental Cooperation, note29 *supra,* art. 1(h). [↑](#footnote-ref-146)
147. *Ibid.* art. 4. [↑](#footnote-ref-147)
148. CTEIA, note 24 *supra,* art. 9(2). [↑](#footnote-ref-148)
149. Espoo Convention, note 22 *supra,* art. 2(2). [↑](#footnote-ref-149)
150. *Ibid.* art. 2(6). [↑](#footnote-ref-150)
151. *Ibid.* art. 3(8). [↑](#footnote-ref-151)
152. Civil Liability Convention, note 10 *supra,* preamble. [↑](#footnote-ref-152)
153. *Ibid.* art III. [↑](#footnote-ref-153)
154. *Ibid.* art. V. [↑](#footnote-ref-154)
155. *Ibid.* art. VII. [↑](#footnote-ref-155)
156. 1992 Fund Convention, art. (2)(a). [↑](#footnote-ref-156)
157. 1997 Vienna Convention, note 12 *supra,* preamble & art. II. [↑](#footnote-ref-157)
158. *Ibid.* art. XI. [↑](#footnote-ref-158)
159. *Ibid.* art. VI. [↑](#footnote-ref-159)
160. *Ibid.* art. VII. [↑](#footnote-ref-160)
161. UNCLOS, note 2 *supra,* art. 235(2). [↑](#footnote-ref-161)
162. Protocol on Water and Health, note 26 *supra,* art. 5(i). [↑](#footnote-ref-162)
163. North American Agreement on Environmental Cooperation, note29 *supra,* art. 14. [↑](#footnote-ref-163)
164. *Ibid.* art. 14(1). [↑](#footnote-ref-164)
165. *Ibid.* [↑](#footnote-ref-165)
166. *Ibid.* arts. 14(2), (3). [↑](#footnote-ref-166)
167. *Ibid.* art. 14(2). [↑](#footnote-ref-167)
168. *Ibid.* art. 14(3). [↑](#footnote-ref-168)
169. *Ibid.* art. 14(3). [↑](#footnote-ref-169)
170. *Ibid.* art. 5(1). [↑](#footnote-ref-170)
171. *Ibid.* arts. 5(1)(a)-(f). [↑](#footnote-ref-171)
172. *Ibid.* art. 5(3). [↑](#footnote-ref-172)
173. *Ibid.* art. 6 & 7. [↑](#footnote-ref-173)
174. *Ibid.* art. 6(1). [↑](#footnote-ref-174)
175. *Ibid.* art. 6(2). [↑](#footnote-ref-175)
176. *Ibid.* art. 6(3). [↑](#footnote-ref-176)
177. *Ibid.* art. 7(1). [↑](#footnote-ref-177)
178. *Ibid.* art. 7(3). [↑](#footnote-ref-178)
179. *Ibid.* art. 7(4). [↑](#footnote-ref-179)
180. *Ibid.* art. 7(2). [↑](#footnote-ref-180)
181. *Ibid.* [↑](#footnote-ref-181)
182. Nordic Environmental Protection Convention, note 20 *supra,* arts. 3, 5-7, 9-12. [↑](#footnote-ref-182)
183. *Ibid.* [↑](#footnote-ref-183)
184. Lugano Convention,note30 *supra,* art. 1. The preamble of the Convention refers to the desirability of strict liability according to the “polluter pays” principle and notes Principle 13 of the *Rio Declaration*, according to which “States … shall co-operate to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.” [↑](#footnote-ref-184)
185. *Ibid*. Chapter II. Liability will not be imposed upon an operator if the operator can prove that the incident: was caused by war, hostilities, insurrection, civil war, or natural phenomenon; was caused by an act of a third part who intended to cause damage; resulted from compliance required by a public authority; was caused by pollution at tolerable levels under local relevant circumstances; or was caused by dangerous activity taken lawfully in the interests of the person who suffered the damage, whereby it was reasonable towards this person to expose him to the risks of the dangerous activity (art. 8). [↑](#footnote-ref-185)
186. *Ibid.* art. 1. However, the Convention does not apply to some damages arising from carriage; damages from nuclear incidents regulated by the 1960 Paris Convention or 1963 Vienna Convention on civil liability for nuclear damage; and damage from nuclear substances where liability is regulated by specific internal law that is at least as favourable with regard to compensation for damage as the Paris Convention or Vienna Convention. (art. 4). [↑](#footnote-ref-186)
187. *Ibid.* art. 3. [↑](#footnote-ref-187)
188. *Ibid.* arts. 19 & 24. A suit for damages must be brought within three years from the date that the damaged party knows or reasonably should have known of the damage and the operator’s identity, not to exceed thirty years from the incident that caused the damage (art. 17). [↑](#footnote-ref-188)
189. *Ibid.* art. 18. [↑](#footnote-ref-189)
190. CTEIA, note 24 *supra,* art. 9(3). [↑](#footnote-ref-190)
191. Paris Convention, note 19 *supra,* preamble. [↑](#footnote-ref-191)
192. *Ibid.* art. 2. [↑](#footnote-ref-192)
193. *Ibid.* arts. 2(a)(iiii), 3, 6, 13, 13(i), 12, 14. [↑](#footnote-ref-193)
194. *Ibid.* art. 13(a). [↑](#footnote-ref-194)
195. *Ibid.* arts. 13(g), 8(a). [↑](#footnote-ref-195)
196. UNECE Protocol on Civil Liability, note 33 *supra,* art. 1. [↑](#footnote-ref-196)
197. *See* CTEIA, note 24 *supra,* art. 1, defining "Operator" as any natural or legal person, including public authorities, in charge of an activity, e.g. supervising, planning to carry out or carrying out an activity. The UNECE Protocol incorporates definitions from CTEIA. [↑](#footnote-ref-197)
198. UNECE Protocol on Civil Liability, note 33 *supra,* arts. 4, 13. [↑](#footnote-ref-198)
199. UNCLOS, note 2 *supra,* art. 206. [↑](#footnote-ref-199)
200. Cartagena Protocol, note 9 *supra,* art. 15 & Annex III. [↑](#footnote-ref-200)
201. FCCC, note 6 *supra,* art. 4(1)(f). [↑](#footnote-ref-201)
202. Minamata Convention, note 18 *supra,* art. 12(2) [↑](#footnote-ref-202)
203. *Ibid*. art. 19(1)(c). [↑](#footnote-ref-203)
204. UNECE Transboundary Watercourse Convention, note 25 *supra,* art. 3(1)(h). [↑](#footnote-ref-204)
205. *Ibid.* art. 9(2)(j) [↑](#footnote-ref-205)
206. Protocol on Water and Health, note 26 *supra,* art. 4(4). [↑](#footnote-ref-206)
207. Espoo Convention, note 22 *supra,* preamble& art. 2. [↑](#footnote-ref-207)
208. *Ibid.* art. 2(3). [↑](#footnote-ref-208)
209. *Ibid.* art. 1(vii). [↑](#footnote-ref-209)
210. Montreal Protocol, note 4 *supra,* art. 9(2). [↑](#footnote-ref-210)
211. Stockholm Convention, note 16 *supra,* art. 10(1)(c). [↑](#footnote-ref-211)
212. Biodiversity Convention, note 8 *supra,* art. 13. [↑](#footnote-ref-212)
213. Cartagena Protocol, note 9 *supra,* art. 23(1)(a). [↑](#footnote-ref-213)
214. Desertification Convention, note 11 *supra,* art. 19(3). [↑](#footnote-ref-214)
215. FCCC, note 6 *supra,* art. 6 (a)(i). [↑](#footnote-ref-215)
216. Minamata Convention, note 18 *supra,* art. 18(1)(b). [↑](#footnote-ref-216)
217. Protocol on Water and Health, note 26 *supra,* art. 9(1). [↑](#footnote-ref-217)
218. LRTAP Convention, note 21 *supra,* art. 7. [↑](#footnote-ref-218)
219. An important exception is the 2010 Cancun Agreements, which emphasize that Parties should, in all climate change related actions, fully respect human rights. Cancun Agreements, note 34 *supra,* ¶ 8. [↑](#footnote-ref-219)
220. *See generally* UNCLOS, note 2 *supra,* Part XII (Protection and Preservation of the Marine Environment). [↑](#footnote-ref-220)
221. *Ibid.* arts. 1(4) and 194. [↑](#footnote-ref-221)
222. *Ibid.* Part XII, §§ 5, 6. [↑](#footnote-ref-222)
223. Ozone Convention, note 3 *supra,* art. 2(1). [↑](#footnote-ref-223)
224. *Ibid.* art. 1(2). [↑](#footnote-ref-224)
225. Montreal Protocol, note 4 *supra,* art. 2. [↑](#footnote-ref-225)
226. Basel Convention, note 5 *supra,* arts. 4.2.(c)-(d). [↑](#footnote-ref-226)
227. *Ibid*. art. 2(8). [↑](#footnote-ref-227)
228. *Ibid.* arts. 4-9. [↑](#footnote-ref-228)
229. Rotterdam Convention, note 15 *supra,* arts. 2(b)-(d), 5, 10. [↑](#footnote-ref-229)
230. Stockholm Convention, note 16 *supra,* arts. 4-6. [↑](#footnote-ref-230)
231. *Ibid.* art. 7. [↑](#footnote-ref-231)
232. *Ibid.* art. 11. [↑](#footnote-ref-232)
233. Biodiversity Convention, note 8 *supra,* art. 8 (g). [↑](#footnote-ref-233)
234. Treaty on Plant Genetic Resources, note 17 *supra,* art. 1.1. [↑](#footnote-ref-234)
235. Cartagena Protocol, note 9 *supra,* art. 1. [↑](#footnote-ref-235)
236. *See* *ibid.* art. 2 (requiring each Party to take necessary and appropriate legal, administrative measures to implement its obligation under the Protocol), arts. 8-10 (advanced informed agreement procedures), art. 15 (risk assessment), art. 23 (public awareness and participation). [↑](#footnote-ref-236)
237. International Watercourses Convention, note 13 *supra,* art. 21(2). [↑](#footnote-ref-237)
238. *Ibid.* art. 21(3). [↑](#footnote-ref-238)
239. *Ibid.* art. 10. [↑](#footnote-ref-239)
240. MARPOL Convention, note 1 *supra,* arts. 1 & 2. [↑](#footnote-ref-240)
241. FCCC, note 6 *supra,* art. 4(1)(f). [↑](#footnote-ref-241)
242. Kyoto Protocol, note 7 *supra,* art. 2(3). [↑](#footnote-ref-242)
243. *Ibid.* art. 1. [↑](#footnote-ref-243)
244. IAEA Joint Convention, note 14 *supra,* arts. 4, 11. [↑](#footnote-ref-244)
245. *Ibid.* arts. 4 (iv), 11 (iv). [↑](#footnote-ref-245)
246. Minamata Convention, note 18 *supra,* art. 1. [↑](#footnote-ref-246)
247. *See e.g.*, art. 3(6) (regulating mercury exports to non-Parties to ensure protection of human health). [↑](#footnote-ref-247)
248. *Ibid*. art. 16. [↑](#footnote-ref-248)
249. As mentioned, “pollution" is defined as the introduction by man, directly or indirectly, of substances or energy into the maritime area which results, or is likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea. [↑](#footnote-ref-249)
250. OSPAR Convention, note 27 *supra,* art. 2(1)(a). [↑](#footnote-ref-250)
251. *Ibid.* art. 5(2). [↑](#footnote-ref-251)
252. Protocol on Water and Health, note 26 *supra,* arts. 1, 4(1). [↑](#footnote-ref-252)
253. *Ibid.* art. 6(1). [↑](#footnote-ref-253)
254. Baltic Sea Convention, note 28 *supra,* arts. 3(1)-(2). [↑](#footnote-ref-254)
255. *Ibid*. art. 2. [↑](#footnote-ref-255)
256. *Ibid.* art. 3(6). [↑](#footnote-ref-256)
257. Amendments to the Barcelona Convention, note32 *supra,* arts. 2(a), 4(1). [↑](#footnote-ref-257)
258. Danube River Convention, note31 *supra,* art. 2(3). [↑](#footnote-ref-258)
259. *Ibid.* art. 2(5). [↑](#footnote-ref-259)
260. *See generally* Protocol on Water and Health, note 26 *supra,* art. 4. [↑](#footnote-ref-260)
261. *Ibid.* arts. 4(2)(c)-(d). [↑](#footnote-ref-261)
262. LRTAP Convention, note 21 *supra,* art. 2. [↑](#footnote-ref-262)
263. *Ibid.* arts. 6-9. [↑](#footnote-ref-263)
264. *See, e.g.,* 1988 Protocol concerning the Control of Nitrogen Oxides or their Transboundary Fluxes; 1991 Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes; 1998 Protocol on Heavy Metals; 1998 Protocol on Persistent Organic Pollutants (POPs). [↑](#footnote-ref-264)
265. *See* 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone. [↑](#footnote-ref-265)
266. CTEIA, note 24 *supra,* art. 3(1). [↑](#footnote-ref-266)
267. Espoo Convention, note 22 *supra,* art. 1(vii). [↑](#footnote-ref-267)
268. *Ibid.* art. 2. [↑](#footnote-ref-268)
269. *Ibid.* arts. 2(3), 5. [↑](#footnote-ref-269)
270. Cancun Agreements, note 34 *supra,* ¶ 12. [↑](#footnote-ref-270)
271. Minamata Convention, note 18 *supra,* art. 16(1)(a). [↑](#footnote-ref-271)
272. *Ibid.* art. 18(1)(b). *See also* art. 19(1)(c) (“Parties shall endeavour to cooperate to develop and improve, taking into account their respective circumstances and capabilities: assessments of the impact of mercury and mercury compounds on human health and the environment, in addition to social, economic and cultural impacts, particularly in respect of vulnerable populations.”). [↑](#footnote-ref-272)
273. Protocol on Water and Health, note 26 *supra,* art. 5(k). [↑](#footnote-ref-273)
274. Stockholm Convention, note 16 *supra,* art. 10(c). [↑](#footnote-ref-274)
275. *Ibid.* art. 7(2). [↑](#footnote-ref-275)
276. Biodiversity Convention, note 8 *supra,* preamble. [↑](#footnote-ref-276)
277. Desertification Convention, note 11 *supra,* preamble. [↑](#footnote-ref-277)
278. *Ibid.* art. 5(d), [↑](#footnote-ref-278)
279. *Ibid.* art. 19(a). *See also ibid.* Annex I, art. 8. [↑](#footnote-ref-279)
280. Cancun Agreements, note 34 *supra,* ¶ 7. [↑](#footnote-ref-280)
281. *Ibid.* Section II (E), *preamble* ¶ 3. [↑](#footnote-ref-281)
282. Minamata Convention, note 18 *supra,* Annex C. [↑](#footnote-ref-282)
283. Biodiversity Convention, note 8 *supra,* art. 8(j). [↑](#footnote-ref-283)
284. *Ibid.* art. 10(c). [↑](#footnote-ref-284)
285. Cartagena Protocol, note 9 *supra,* art. 26(1). [↑](#footnote-ref-285)
286. *Ibid.* art. 26(2). [↑](#footnote-ref-286)
287. Desertification Convention, note 11 *supra,* art. 16 (g), 18(2). [↑](#footnote-ref-287)
288. Treat on Plant Genetic Resources, note 17 *supra,* arts. 5.1(d). [↑](#footnote-ref-288)
289. Cancun Agreements, note 34 *supra,* ¶ 7. [↑](#footnote-ref-289)
290. *Ibid.* ¶ 12. [↑](#footnote-ref-290)
291. *Ibid.* ¶ 70, 72, Appendix 1, ¶ 2 (c)-(d). [↑](#footnote-ref-291)
292. Protocol on Water and Health, note 26 *supra,* art. 5(n). [↑](#footnote-ref-292)
293. Treaty on Plant Genetic Resources, note 17 *supra,* art. 9. See also art. 5.1(c) (Parties to, as appropriate, promote or support, farmers and local communities’ efforts to manage and conserve on-farm their plant genetic resources for food and agriculture) and 6.2 (b) (research that benefits farmers). [↑](#footnote-ref-293)
294. 1997 Vienna Convention,note 12 *supra,* art. 1A. [↑](#footnote-ref-294)
295. Montreal Protocol, note 4 *supra,* preamble. [↑](#footnote-ref-295)
296. Basel Convention, note 5 *supra,* art. 1. [↑](#footnote-ref-296)
297. Rotterdam Convention, note 15 *supra,* art. 1. [↑](#footnote-ref-297)
298. Stockholm Convention, note 16 *supra,* preamble. [↑](#footnote-ref-298)
299. Cartagena Protocol, note 9 *supra,* art. 1. [↑](#footnote-ref-299)
300. International Watercourses Convention, note 13 *supra,* art. 1. [↑](#footnote-ref-300)
301. Desertification Convention, note 11 *supra,* preamble. [↑](#footnote-ref-301)
302. *See, e.g.* FCCC, note 6 *supra,* art. 2. [↑](#footnote-ref-302)
303. *Ibid.* art. 3(6). [↑](#footnote-ref-303)
304. UNECE Transboundary Watercourse Convention, note 25 *supra,* art. 1(1). [↑](#footnote-ref-304)
305. OSPAR Convention, note 27 *supra,* preamble. [↑](#footnote-ref-305)
306. Protocol on Water and Health, note 26 *supra,* art. 1. [↑](#footnote-ref-306)
307. North American Agreement on Environmental Cooperation, note29 *supra,* art. 1(f). [↑](#footnote-ref-307)
308. Espoo Convention, note 22 *supra,* preamble. [↑](#footnote-ref-308)
309. UNCLOS, note 2 *supra,* art. 197. [↑](#footnote-ref-309)
310. *Ibid.* arts. 198-201. [↑](#footnote-ref-310)
311. *Ibid.* arts. 202-03. [↑](#footnote-ref-311)
312. Montreal Protocol, note 4 *supra,* arts. 5, 10. [↑](#footnote-ref-312)
313. *Report of the 2nd Meeting of the Parties to the Montreal Protocol*, Decision II/8 Financial Mechanism, 29 June 1990, U.N. Doc. UNEP/OzL.Pro.2/3. [↑](#footnote-ref-313)
314. Basel Convention, note 5 *supra,* art. 10. [↑](#footnote-ref-314)
315. Rotterdam Convention, note 15 *supra,* art. 15(3). [↑](#footnote-ref-315)
316. Stockholm Convention, note 16 *supra,* arts. 12(2), 13(2). [↑](#footnote-ref-316)
317. Biodiversity Convention, note 8 *supra,* art. 5. [↑](#footnote-ref-317)
318. *Ibid.* art. 18. [↑](#footnote-ref-318)
319. *Ibid.* art. 20. [↑](#footnote-ref-319)
320. Desertification Convention, note 11 *supra,* art. 3. [↑](#footnote-ref-320)
321. *Ibid.* art. 6 (a). *See also* *ibid.* arts. 20, 21 & Annex I, (art. 5). [↑](#footnote-ref-321)
322. FCCC, note 6 *supra,* art. 4. [↑](#footnote-ref-322)
323. *Ibid.* arts. 4(3), 4(4). [↑](#footnote-ref-323)
324. Kyoto Protocol, note 7 *supra,* art. 2 (1)(b). [↑](#footnote-ref-324)
325. Treaty on Plant Genetic Resources, note 17 *supra,* art. 7.1. [↑](#footnote-ref-325)
326. *Ibid.* art. 7.2. [↑](#footnote-ref-326)
327. Baltic Sea Convention, note 28 *supra,* art. 7. [↑](#footnote-ref-327)
328. *Ibid.* art. 16. [↑](#footnote-ref-328)
329. Danube River Convention, note31 *supra,* art. 12. [↑](#footnote-ref-329)
330. UNECE Transboundary Water Convention, note 25 *supra,* preamble. [↑](#footnote-ref-330)
331. *Ibid.* art. 5. [↑](#footnote-ref-331)
332. *Ibid.* art. 9(2)(j) [↑](#footnote-ref-332)
333. Protocol on Water and Health, note 26 *supra,* art. 11. [↑](#footnote-ref-333)
334. *Ibid*. art. 12(c). [↑](#footnote-ref-334)
335. *Ibid.* art. 13(1)(b). [↑](#footnote-ref-335)
336. North American Agreement on Environmental Cooperation,note 29 *supra,* art. 10(3)(a). [↑](#footnote-ref-336)
337. Amendments to the Barcelona Convention, note32 *supra,* art. 11. [↑](#footnote-ref-337)
338. *Ibid.* art. 11(2). [↑](#footnote-ref-338)
339. CTEIA, note 24 *supra,* preamble*.* [↑](#footnote-ref-339)
340. *Ibid.* [↑](#footnote-ref-340)
341. Madrid Protocol, note 23 *supra,* art. 6. [↑](#footnote-ref-341)
342. LRTAP Convention, note 21 *supra,* arts. 3, 4. [↑](#footnote-ref-342)
343. *Ibid.* art. 7. [↑](#footnote-ref-343)
344. *Ibid.*,1988 Protocol on Long-Term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-Range Transmission of Air Pollutants in Europe (EMEP), preamble; arts. 2-4. [↑](#footnote-ref-344)
345. Espoo Convention, note 22 *supra,* preamble. [↑](#footnote-ref-345)
346. *Ibid.* art. 8 & Appendix IV. [↑](#footnote-ref-346)
347. 1997 Vienna Convention, note 12 *supra,* art. XIII. [↑](#footnote-ref-347)
348. International Watercourses Convention, note 13 *supra,* art. 32. [↑](#footnote-ref-348)
349. Paris Convention, note 19 *supra,* art. 14. [↑](#footnote-ref-349)
350. CTEIA, note 24 *supra,* art. 9(3). [↑](#footnote-ref-350)
351. Nordic Environmental Protection Convention, note 20 *supra,* art. 3. [↑](#footnote-ref-351)
352. Espoo Convention, note 22 *supra,* art. 2(6). [↑](#footnote-ref-352)
353. UNECE Protocol on Civil Liability, note 33 *supra,* art. 8(3). [↑](#footnote-ref-353)
354. Protocol on Water and Health, note 26 *supra,* art. 5(m). [↑](#footnote-ref-354)
355. Civil Liability Convention, note 10 *supra,* art. I(6). [↑](#footnote-ref-355)
356. 1997 Vienna Convention, note 11 *supra,* art. I(1)(k)(iv). [↑](#footnote-ref-356)
357. *Ibid*. art. I(1)(m) [↑](#footnote-ref-357)
358. UNCLOS, note 2 *supra,* art. 192. [↑](#footnote-ref-358)
359. *Ibid.* art. 1(4). [↑](#footnote-ref-359)
360. Basel Convention, note 5 *supra,* preamble, art. 2.8. [↑](#footnote-ref-360)
361. Rotterdam Convention, note 15 *supra,* art. 1. [↑](#footnote-ref-361)
362. Stockholm Convention, note 16 *supra,* art. 1. [↑](#footnote-ref-362)
363. Biodiversity Convention, note 8 *supra,* art. 1. [↑](#footnote-ref-363)
364. International Watercourses Convention, note 13 *supra,* arts. 20-23. [↑](#footnote-ref-364)
365. FCCC, note 6 *supra,* art. 4(e). [↑](#footnote-ref-365)
366. *Ibid.* art. 4(d). [↑](#footnote-ref-366)
367. Kyoto Protocol, note 7 *supra,* art. 2 (1)(a) (ii). [↑](#footnote-ref-367)
368. MARPOL Convention, note 1 *supra,* arts. 1 & 2. [↑](#footnote-ref-368)
369. Baltic Sea Convention, note 28 *supra,* preamble. [↑](#footnote-ref-369)
370. *Ibid.*, art. 2(1). [↑](#footnote-ref-370)
371. *Ibid.* art. 15. [↑](#footnote-ref-371)
372. *Ibid.* art. 3(1). [↑](#footnote-ref-372)
373. UNECE Transboundary Watercourse Convention, note 25 *supra,* art. 1(2). [↑](#footnote-ref-373)
374. OSPAR Convention, note 27 *supra,* art. 1(d). [↑](#footnote-ref-374)
375. *Ibid.*, Annex V art. 2. [↑](#footnote-ref-375)
376. North American Agreement on Environmental Cooperation,note29 *supra,* art. 1(f) and (g). [↑](#footnote-ref-376)
377. *Ibid.* art. 45(2)(a). [↑](#footnote-ref-377)
378. Amendments to the Barcelona Convention, note32 *supra,* art. 2(a). [↑](#footnote-ref-378)
379. Lugano Convention, note30 *supra,* arts. 2 (7) (c)-(d), 2(8). [↑](#footnote-ref-379)
380. *Ibid.* art. 2(10). [↑](#footnote-ref-380)
381. *Ibid.* art. 2 (7)(c)(d). [↑](#footnote-ref-381)
382. Madrid Protocol, note 23 *supra,* preamble. [↑](#footnote-ref-382)
383. *Ibid.* art. 2. [↑](#footnote-ref-383)
384. *Ibid.* art. 3(2)-(3). [↑](#footnote-ref-384)
385. Paris Convention, note 19 *supra,* art. 1(a)(vii). [↑](#footnote-ref-385)
386. CTEIA, note 24 *supra,* arts. 2(1), 1(c). [↑](#footnote-ref-386)
387. *Ibid.* preamble. [↑](#footnote-ref-387)
388. *Ibid.* art. 3*,* ¶ 1. [↑](#footnote-ref-388)
389. LRTAP Convention, note 21 *supra,* preamble; art. 1(a). [↑](#footnote-ref-389)
390. Espoo Convention, note 22 *supra,* art. 1(vii). [↑](#footnote-ref-390)
391. Stockholm Convention, note 16 *supra,* preamble. [↑](#footnote-ref-391)
392. Biodiversity Convention, note 8 *supra,* art. 2. [↑](#footnote-ref-392)
393. International Watercourses Convention, note 13 *supra,* preamble. [↑](#footnote-ref-393)
394. Desertification Convention, note 11 *supra,* preamble. [↑](#footnote-ref-394)
395. FCCC, note 6 *supra,* art. 3(1). [↑](#footnote-ref-395)
396. IAEA Joint Convention, note 14 *supra,* art. 1(ii). [↑](#footnote-ref-396)
397. *Ibid.* arts. 4 (vi), (vii). [↑](#footnote-ref-397)
398. Treaty on Plant Genetic Resources, note 17 *supra,* preamble. [↑](#footnote-ref-398)
399. *Ibid.* [↑](#footnote-ref-399)
400. OSPAR Convention, note 27 *supra,* preamble. [↑](#footnote-ref-400)
401. *Ibid.* art. 5(d). [↑](#footnote-ref-401)
402. North American Agreement on Environmental Cooperation,note29 *supra,* preamble and art. 1(a). [↑](#footnote-ref-402)
403. Amendments to the Barcelona Convention*,* note32 *supra,* preamble. [↑](#footnote-ref-403)
404. CTEIA, note 24 *supra,* preamble. [↑](#footnote-ref-404)