

# UNEP Compendium on Human Rights and the Environment

**Selected international legal materials and cases**

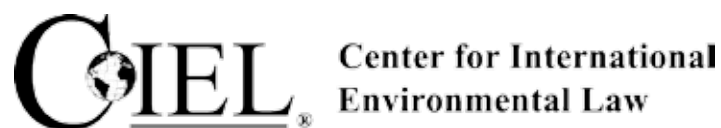


Center for International  
Environmental Law

UNEP promotes environmentally sound practices globally and in its own activities. This report is printed on paper from sustainable forests including recycled fibre. The paper is chlorine free and the inks vegetable-based. Our distribution policy aims to reduce UNEP's carbon footprint.

# UNEP Compendium on Human Rights and the Environment:

Selected international legal materials and cases



#### Disclaimer

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations or the United Nations Environment Programme concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Moreover, the views expressed do not necessarily represent the decision or the stated policy of the Secretariat of the United Nations or the United Nations Environment Programme, nor does citing of trade names or commercial processes constitute endorsement.

Design and Layout: Printing: UNON Publishing Services Section, Nairobi – ISO 14001:2004-certified

D1 No.: 14-00314/500 Copies

## PREFACE

Human rights and the environment are inherently interdependent and play an integral role in achieving sustainable development objectives. Each human being depends on ecosystems and the services they provide, such as food, water, disease management, climate regulation, spiritual fulfillment, and aesthetic enjoyment. At the same time, efforts to promote environmental sustainability can only be effective if they occur in the context of conducive legal frameworks, and are greatly informed by the exercise of certain human rights, such as the rights to information, public participation in decision-making and access to justice.

The linkages between human rights and the environment are multi-dimensional and reciprocal and advancing goals in either field has the potential to promote the achievement of goals in the other. A significant number of court cases, national constitutions and legislation, and international instruments have acknowledged the close linkages between these fields, and this is an important step towards an organic and coherent consideration of human rights and the environment in national and international frameworks.

The synergies between human rights and the environment have been increasing dramatically through recent developments. The United Nations Environment Programme (UNEP) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) have strengthened their collaboration in this field. In 2012, a Joint Report on Human Rights and the Environment was released by OHCHR and UNEP during the United Nations Conference on Sustainable Development. In the same year, the United Nations Human Rights Council established, as part of its special procedures, an Independent Expert on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and appointed Professor John Knox to this position.

UNEP and OHCHR have then undertaken to jointly work on the identification and dissemination of good practices in this field, which will among other things support the fulfillment of the Independent Expert's mandate, which includes the identification, promotion and dissemination of good practices that relate to the use of human rights obligations and commitments to inform, support and strengthen environmental policy making, especially in the area of environmental protection.

As part of UNEP's efforts to promote environmental sustainability and in the context of its collaboration with OHCHR and the Independent Expert, this compendium provides a comprehensive compilation of legal instruments respectively on human rights and the environment at the international and regional levels, as well as jurisprudence of international and regional judicial and semi-judicial bodies related to the relationship between human rights and the environment. The compendium aims to serve as reference material for legal professionals and policy makers both in the fields of environment and human rights, and to increase awareness and knowledge of the practical applications of the linkage between these two areas.

## ACKNOWLEDGEMENTS

This publication was developed by the United Nations Environment Programme (UNEP) in cooperation with the Center for International Environmental Law (CIEL). The Compendium was initiated by Bradnee Chambers, former Head of the Environmental Law and Governance Branch of the Division of Environmental Law and Convention of UNEP, now Executive Secretary of the Convention on Migratory Species. It was drafted and edited by Marcos Orellana, Director of the Human Rights & Environment Program of CIEL with inputs from a number of CIEL interns including Ana Paula Parente, Lydia Slobodian, Dominique Lochridge-Gonzales, Jamie Sawyer, Dustin Lauermann and Erica Smith. Inputs were also provided by the Organization of American States.

Maria Cristina Zucca and Lara Ognibene, Legal Officers with the Division of Environmental Law and Conventions of UNEP, undertook a final critical review and consolidation of the Compendium. Further, Felicitas Werber and Catherine Ayres, respectively an intern and a consultant with UNEP, have contributed to the final editing.

# TABLE OF CONTENTS

<b>PREFACE</b> .....	<b>iii</b>
<b>ACKNOWLEDGEMENTS</b> .....	<b>iv</b>
<b>INTRODUCTION</b> .....	<b>1</b>
Objective.....	1
Background.....	1
Protected Rights .....	2
Substantive Rights .....	3
Procedural Rights .....	4
Interpretative Approaches.....	5
State Obligations.....	6
Industrial Risks & Pollution.....	6
Exploitation of Natural Resources .....	6
Implementation Mechanisms.....	7
Structure and Scope of Compendium.....	7
<b>PART 1: INSTRUMENTS</b> .....	<b>9</b>
Human Rights Law Instruments .....	10
Global Human Rights Instruments .....	10
Legally Binding Instruments .....	10
Charter of the United Nations .....	10
Convention relating to the Status of Refugees.....	11
Convention on the Elimination of All Forms of Racial Discrimination .....	11
International Covenant on Civil and Political Rights .....	12
International Covenant on Economic, Social and Cultural Rights.....	12
Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I) .....	13
Convention on the Elimination of All Forms of Discrimination against Women.....	14
Convention on the Rights of the Child .....	14
Convention Concerning Indigenous and Tribal Peoples in Independent Countries.....	14
Rome Statute of the International Criminal Court.....	15
Non-Legally Binding Instruments.....	15
Universal Declaration of Human Rights.....	15
Declaration on the Right to Development 1986.....	16
Vienna Declaration and Programme of Action 1993 .....	16
Beijing Declaration and Platform for Action 1995 .....	16
Declaration on the Rights of Indigenous Peoples 2007 .....	17

Regional Human Rights Instruments .....	17
American Declaration of the Rights and Duties of Man 1948.....	17
American Convention on Human Rights.....	18
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).....	18
European Convention for the Protection of Human Rights and Fundamental Freedoms .....	19
European Social Charter.....	19
Charter of Fundamental Rights of the European Union.....	20
African Charter on Human and Peoples' Rights .....	20
Environmental Law Instruments.....	20
Global Environmental Law Instruments.....	21
Legally Binding Instruments .....	21
Antarctic Treaty System .....	21
The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies .....	22
International Convention on Civil Liability for Oil Pollution Damage.....	22
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage .....	23
Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat.....	23
Convention for the Protection of World Cultural and Natural Heritage .....	24
Convention on International Trade in Endangered Species of Wild Fauna and Flora .....	24
United Nations Convention on the Law of the Sea .....	25
Vienna Convention for the Protection of the Ozone Layer .....	25
Montreal Protocol on Substances that Deplete the Ozone Layer .....	26
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal .....	26
United Nations Framework Convention on Climate Change .....	26
Kyoto Protocol to the United Nations Framework Convention on Climate Change .....	27
United Nations Convention on Biological Diversity.....	28
Cartagena Protocol on Biosafety to the Convention on Biological Diversity.....	29
Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety .....	29
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity .....	30
United Nations Convention to Combat Desertification in Those Countries Experiencing Drought and/or Desertification, Particularly in Africa.....	31

预览已结束，完整报告链接和二维码如下：

[https://www.yunbaogao.cn/report/index/report?reportId=5\\_13715](https://www.yunbaogao.cn/report/index/report?reportId=5_13715)

