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

**Individual Report on Non-Binding International**

**Environmental Instruments**

Report No. 10

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 selected international environmental instruments that may be relevant to States’ human rights obligations concerning the environment. Some of these instruments have been adopted by States; others are statements by experts intended to reflect or clarify international environmental law. The instruments are non-binding in the sense that they are not treaties, but they may nevertheless shed light on political commitments of States and, to some degree, on obligations of States under international law.
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 from selected non-binding international environmental instruments that may be relevant to States’ human rights obligations. It also reviews statements in such instruments that link environmental threats to human harm. Relatively few of these instruments 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 instruments recognize and often describe the effect of environmental harm on human beings, as well as include commitments of States to prevent such harm.
2. The report examines the following instruments: the 1972 Stockholm Declaration;[[1]](#footnote-1) the 1974 OECD Council Recommendation on Principles Concerning Transfrontier Pollution;[[2]](#footnote-2) the 1977 OECD Council Recommendation for the Implementation of a Regime of Equal Right of Access and Non-Discrimination in Relation to Trans-frontier Pollution;[[3]](#footnote-3) the 1978 UNEP Draft Principles of Conduct in the Field of Environment;[[4]](#footnote-4) General Assembly Resolution 35/8 (30 October 1980);[[5]](#footnote-5) the 1982 World Charter for Nature;[[6]](#footnote-6) General Assembly Resolution 37/51 (3 December 1982);[[7]](#footnote-7) the 1985 Montreal Guidelines for the Protection of the Marine Environment Against Pollution from Land-Based Sources;[[8]](#footnote-8) the 1986 Legal Principles for Environmental Protection and Sustainable Development adopted by the WCED Experts Group (WCED Legal Principles);[[9]](#footnote-9) the relevant provisions of the 1986 Restatement (Third) of the Foreign Relations Law of the United States, especially §§ 601 and 602;[[10]](#footnote-10) the 1989 European Charter on Environment and Health (European Environment and Health Charter);[[11]](#footnote-11) the 1995 Pan-American Charter on Health and Environment in Sustainable Human Development;[[12]](#footnote-12) the 1990 Bangkok Declaration;[[13]](#footnote-13) the 1992 Rio Declaration on Environment and Development;[[14]](#footnote-14) Agenda 21;[[15]](#footnote-15) the 1992 Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests;[[16]](#footnote-16) the 1993 Nuuk Declaration on Environment and Development in the Arctic;[[17]](#footnote-17) the Report of the 1994 UN International Conference on Population and Development;[[18]](#footnote-18) the Report of the 1995 World Summit for Social Development;[[19]](#footnote-19) the 1995 Beijing Declaration and Platform of Action, adopted at the World Conference on Women;[[20]](#footnote-20) the 1996 UN Conference on Human Settlements (HABITAT II);[[21]](#footnote-21) the 1996 World Food Summit (Rome Declaration on World Food Security);[[22]](#footnote-22) the 2001 International Law Commission Draft Articles on Prevention of Transboundary Harm;[[23]](#footnote-23) the 2002 Johannesburg Principles on the Role of Law and Sustainable Development;[[24]](#footnote-24) the 2006 International Law Commission Draft Articles on the Allocation of Loss in the Case of Transboundary Harm;[[25]](#footnote-25) the Johannesburg Declaration on Sustainable Development;[[26]](#footnote-26) and the 2012 Outcome Document of the Rio+20 Conference, entitled *The Future We Want*.[[27]](#footnote-27) Although this is not an exhaustive list of all important non-binding international environment instruments, it does include a representative sample of many of the most important such instruments. A separate report addresses environmental treaties.[[28]](#footnote-28)

## Overview of the Report

1. This report summarises the key provisions from selected non-binding international environmental instruments relevant to human rights and the environment. 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 reference that is relevant to different themes.
2. Section II of the report describes how these instruments connect environmental threats to impacts on human interests protected by human rights. Section III reviews provisions of the instruments that are related to human rights obligations. These instruments do not set out binding legal obligations as treaties do, but they often call on States to take certain actions. For the purpose of this report, such calls may be characterised as “obligations” (or, interchangeably, “duties”) even if the basis for the obligation is a political rather than a legal commitment. Although these instruments often do not refer explicitly to human rights, their provisions may relate to such rights indirectly, in the sense that they are aimed at protecting human life, health, and other human interests recognized elsewhere as human rights, from environmental harm. Obligations of States in these instruments that are owed to individuals, rather than to other States, seem particularly relevant to human rights because the obligations may correspond in some respects, at least, to recognized human rights. (A duty to provide information to affected members of the public, for example, may correspond to a right to information recognized in human rights instruments.) Section IV addresses cross-cutting issues, including duties relating to transboundary environmental harm; duties relating to the protection of the environment; and duties relating to future generations. Section V makes some concluding observations.

# Environmental Threats to the Enjoyment of Human Rights

1. Some instruments refer to a right to a healthy environment. Other instruments characterise environmental harm to human health, life, property or food security. Some instruments also refer to environmental threats to specific groups, such as indigenous peoples.

## Right to a Healthy Environment

1. Principle 1 of the *Stockholm Declaration* states, “Man has the fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being.”[[29]](#footnote-29) The *WCED Legal Principles* recognize that “all human beings have the fundamental right to an environment adequate for their health and well-being.”[[30]](#footnote-30) The *European* *Environment and Health* *Charter* also states that “every individual is entitled to an environment conducive to the highest attainable levels of health and well-being.”[[31]](#footnote-31)
2. The *Rio Declaration* affirms that human beings “are entitled to a healthy and productive life in harmony with nature.”[[32]](#footnote-32) This language is echoed in other instruments, including the *Report of the World Summit for Social Development*,[[33]](#footnote-33) the *Beijing Platform of Action*,[[34]](#footnote-34) *Habitat II*, [[35]](#footnote-35) and the *Pan-American Charter*.[[36]](#footnote-36) The *Report of the Conference on Population and Development* states that “meeting the basic needs of growing populations is dependent on a healthy environment” and that sustainable development, as a means to ensure human well-being, requires recognition of the interrelationships between population, resources, the environment, and development.[[37]](#footnote-37)

## Right to Health

1. Many agreements recognize the impacts of environmental threats on human health.
2. The *Stockholm Declaration* acknowledges the existence of:

growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies, harmful to the physical, mental and social health of man, in the man-made environment, particularly in the living and working environment.[[38]](#footnote-38)

1. The *Montreal Guidelines,* aiming to regulate pollution from land-based sources, defines pollution as:

the introduction by man, directly or indirectly, of substances or energy into the marine environment which results or its likely to result in such deleterious effects as harm to living resources and marine ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.[[39]](#footnote-39)

1. The *European Environment and Health Charter* recognizes the dependence of human health on a wide range of crucial environmental factors and acknowledges the benefits to health and wellbeing that accrue from a clean and harmonious environment.[[40]](#footnote-40) The Charter also expresses concern at the ill-considered use of natural resources and man-made products in ways liable to damage the environment and endanger health.[[41]](#footnote-41)
2. The *OECD Recommendation on Transfrontier Pollution* aims to regulate transfrontier pollution, where pollution is defined as “the introduction by man, directly or indirectly, of substances or energy into the environment resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems, and impair or interfere with amenities and other legitimate uses of the environment.”[[42]](#footnote-42)
3. *Agenda 21* recognizes that the health sector is dependent on a healthy environment, including the provision of a safe water supply and sanitation and the promotion of a safe food supply and proper nutrition.[[43]](#footnote-43)
4. The *Beijing Conference Platform of Action* recognizes that ozone-depleting substances “are severely affecting the atmosphere, thus allowing excessive levels of harmful ultraviolet rays to reach the Earth’s surface. This has severe effects on people’s health such as higher rates of skin cancer, eye damage and weakened immune systems.”[[44]](#footnote-44)
5. *Habitat II’s Plan of Action* recognizes many health problems linked to adverse environmental conditions, “including a lack of access to safe water and sanitation, inadequate waste management, poor drainage, air pollution, and exposure to excessive noise levels, as well as ineffective and inadequate health services,” all of which exact a heavy toll on the quality of life and the overall contribution to society of millions of people.[[45]](#footnote-45) The *Plan of Action* further notes that “many pollution-related risks to health are particularly high in urban areas, as well as in low-income areas, because of higher concentrations of pollutants from, inter alia, industry, traffic, fumes from cooking and heating devices, overcrowding and inadequate solid and liquid waste management,” and states that “many environmental contaminants, such as radioactive materials and persistent organic pollutants, work their way into the food chain and eventually into human beings, thus compromising the health of present and future generations”.[[46]](#footnote-46)
6. The *Pan-American Charter* acknowledges that “the goals of equitable socioeconomic development, environmental protection, and healthy populations are interdependent.”[[47]](#footnote-47)

## Right to Life

1. The *World Charter for Nature* recognizes that “[m]ankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients,” and that “the degradation of natural systems owing to excessive consumption and misuse of natural resources, as well as to failure to establish an appropriate economic order among peoples and among States, leads to the breakdown of the economic, social and political framework of civilization.”[[48]](#footnote-48)
2. The *Stockholm Declaration* proclaims that “both aspects of man's environment, the natural and man-made, are essential to his well-being and to the enjoyment of basic human rights – even the right to life itself.”[[49]](#footnote-49) The *Bangkok Declaration* states that degradation of soil and forests of developing countries and global warming currently pose “the greatest threat to human welfare and survival.”[[50]](#footnote-50) The *Principles for Forest Development* recognize “that forests are essential to economic development and the maintenance of all forms of life.”[[51]](#footnote-51)
3. The *Report of the* *Conference on Population and Development* recognizes that “around the world, many of the basic resources on which future generations will depend for their survival and well-being are being depleted” and that “ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations.”[[52]](#footnote-52) *General Assembly Resolution 35/8* states the determination to ”preserve nature as a prerequisite for the normal life of man.”[[53]](#footnote-53) *Agenda 21* recognizes that growth of the world population and production combined with unsustainable consumption patterns “places increasingly severe stress on the life-supporting capacities on our planet,” affecting, *inter alia*, the use of land, water, air, and energy resources.[[54]](#footnote-54)
4. The *Beijing Conference Platform of Action* recognizes the impact of environmental degradation on human life and health, especially that of women, stating that

the continuing environmental degradation that affects all human lives has often a more direct impact on women. Women’s health and their livelihood are threatened by pollution and toxic wastes, large-scale deforestation, desertification, drought and depletion of the soil and of coastal and marine resources, with a rising incidence of environmentally related health problems and even death reported among women and girls.[[55]](#footnote-55)

## Right to an Adequate Standard of Living

1. The *Stockholm Declaration* affirms the right of individuals to “adequate conditions of life, in an environment of quality that permits a life of dignity and well-being.”[[56]](#footnote-56) The *Stockholm Declaration* further notes that “economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life.”[[57]](#footnote-57)
2. *Agenda 21* recognizes “integration of environment and development concerns and greater attention to them will lead to the fulfilment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future.”[[58]](#footnote-58) The *Principles for Forest Development* state that forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual needs of present and future generations. These needs include the use of forest products that provide, *inter alia*, wood and wood products, food, fodder, medicine, fuel, shelter, employment, recreation, wildlife habitats, landscape diversity, and carbon sinks and reservoirs.[[59]](#footnote-59)
3. The *Report of the World Summit for Social Development* recognizes economic development, social development and environmental protection as interdependent and mutually reinforcing components of sustainable development, which is the framework for achieving a higher quality of life for all people.[[60]](#footnote-60) The guiding objective is that “all men and women, especially living in poverty, may exercise the rights, utilize the resources and share the responsibilities that enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind.”[[61]](#footnote-61)
4. The *Beijing Conference Platform of Action* recognizes that the marked increase in the past decade of resource depletion, the degradation of natural systems and the dangers of polluting substances “are destroying fragile ecosystems and displacing communities, especially women, from productive activities.”[[62]](#footnote-62) It notes that poverty and environmental degradation are closely interrelated, stating, “While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances.”[[63]](#footnote-63)

## Right to Food

1. The *Rome Declaration on World Food Security* acknowledges that “the resource base for food, agriculture, fisheries and forestry is under stress and is threatened by problems such as desertification, deforestation, overfishing, overcapacity and discards in fisheries, losses of biodiversity, as well as inefficient use of water, climate change and depletion of the ozone layer,” resulting in a negative impact on both food security and the environment.[[64]](#footnote-64) The *Rome Declaration* also recognizes that “natural disasters, climate related ecological changes and environmental degradation have adversely affected millions of people. Although food assistance may be provided to ease their plight, it is not a long term solution to the underlying causes of food insecurity.”[[65]](#footnote-65) *The Future We Want* recognizes “the need to maintain natural ecological processes that support food production systems.”[[66]](#footnote-66)

## Groups in Vulnerable Situations

1. The *Beijing Conference Platform of Action* recognizes that “deterioration of natural resources displaces communities, especially women, from income-generating activities while greatly adding to unremunerated work.”[[67]](#footnote-67) It further states that in both urban and rural areas, “environmental degradation results in negative effects on the health, well-being and quality of life of the population at large, especially girls and women of all ages.”[[68]](#footnote-68)
2. *Habitat II’s Plan of Action* states, “Children are particularly vulnerable to harmful urban environments and must be protected” and notes that environmental risks may also have a disproportionate impact on children.[[69]](#footnote-69) It further recognizes that “[e]nvironmental risks in the home and the workplace may have a disproportionate impact on the health of women and children because of their different susceptibilities and rates of exposure to the toxic effects of various chemicals and given the nature of the tasks that women frequently undertake.”[[70]](#footnote-70) Moreover, the *Plan of Action* observes that children and people living in poverty are particularly vulnerable to exposure to heavy metals, including lead and mercury, and that there is “special concern that the effects of high lead levels on children's intellectual development are irreversible.”[[71]](#footnote-71)
3. *The Future We Want* recognizes “that many people, especially the poor, depend directly on ecosystems for their livelihoods, their economic, social and physical well-being, and their cultural heritage.”[[72]](#footnote-72)

# Obligations on States Relating to the Environment

1. This section describes procedural and substantive duties relating to human rights and the environment as contemplated by non-binding environmental instruments. Again, these instruments rarely characterise obligations in terms of human rights, but 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.
2. The first subsection below describes statements relating to procedural obligations. Often, such obligations are owed to members of the public. These obligations are particularly relevant to human rights because the obligations may correspond in some respects, at least, to recognized human rights. Obligations to provide information to affected members of the public, for example, may correspond to a right to information recognized 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 instruments do not include substantive obligations explicitly aimed at protecting human rights. Nevertheless, the second sub-section summarizes some provisions aimed 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 sub-section describes provisions that are aimed at protecting the interests of groups in vulnerable situations.

## Procedural Obligations

1. Many non-binding declarations and statements refer to importance of providing environmental information to the public and ensuring public participation in environmental decision-making. Some also include provisions on access to remedies for environmental harm.

### The obligation to provide information about environmental harm

1. Many instruments have provisions related to the duty to provide informationabout threats from environmental harm. For example, the *OECD Recommendation on Equal Access and Non-Discrimination* specifies that the country of origin should take any appropriate measures to provide persons exposed to a significant risk of transfrontier pollution with sufficient information to enable them to exercise their rights referred to in the Recommendation in a timely manner.[[73]](#footnote-73) The *WCED Legal Principles* provide that States inform, in a timely manner, all persons that are likely to be significantly affected by a planned activity.[[74]](#footnote-74)
2. The *European Environment and Health Charter* states that “every individual is entitled to information and consultation on the state of the environment as well as plans, decisions, and activities likely to affect both the environment and health.”[[75]](#footnote-75) In addition, it suggests that “information systems should be strengthened to support monitoring of the effectiveness of measures taken, trend analysis, priority-setting and decision-making.”[[76]](#footnote-76) The Charter acknowledges the media’s key role in promoting awareness and positive attitudes towards protection of health and the environment and entitles them with adequate and accurate information to communicate to the public.[[77]](#footnote-77) It also notes that non-governmental organizations play an important role in disseminating information to the public and promoting public awareness and response.[[78]](#footnote-78)
3. Principle 10 of the *Rio Declaration* provides that, “at the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities.”[[79]](#footnote-79) The *Rio Declaration* further provides that States shall facilitate and encourage public awareness by making information widely available. [[80]](#footnote-80)
4. The *Principles for Forest Development* state that the “provision of timely, reliable, and accurate information on forests and forest ecosystems is essential for public understanding and informed decision-making and should be ensured.”[[81]](#footnote-81) The *Nuuk Declaration* states that “decisions regarding relating to Arctic activities must be made in a transparent fashion and therefore undertake to facilitate through national rules and legislation appropriate access to information concerning such decisions.”[[82]](#footnote-82) *Habitat II’s Habitat Agenda* requires that States adopt regulations, laws and policies that encourage transparent procedures and encourage public participation in decision-making and sustainable development, through effective participatory processes, universal education, and information dissemination on, *inter alia*, the entire range of environmental health aspects of construction and development.[[83]](#footnote-83)
5. The International Law Commission’s *Draft Articles on Transboundary Harm* provide that “States concerned shall, by such means as are appropriate, provide the public likely to be affected by an activity” within their jurisdiction or control “with relevant information relating to the activity, the risk involved and the harm that may result, and ascertain their views.”[[84]](#footnote-84)

### The obligation to provide for public participation in environmental decision-making

1. The *World Charter for Nature* provides that all persons, in accordance with their national legislation, shall have the opportunity to participate, either alone or with others, in the formulation of decisions that are of direct concern to their environment.[[85]](#footnote-85) The *European Environment and Health Charter* recognizes that “every individual is entitled to information and consultation on the state of the environment, and on plans, decisions, and activities likely to affect both the environment and health,” and to “participation in the decision-making process.”[[86]](#footnote-86) It also states that “[i]ndividuals and communities directly affected by the quality of a specific environment should be consulted and involved in managing that environment.”[[87]](#footnote-87)
2. The *Pan-American Charter* states that “the goals of equitable socioeconomic development, environmental protection, and healthy populations are interdependent and should be pursued in mutually-reinforcing ways that encourage people's participation.”[[88]](#footnote-88) The Charter provides as a policy and strategy principle that the participation of individuals and communities in maintaining and improving their living environments should be encouraged and supported, and puts forth as a common priority “defining and implementing arrangements for increased participation and grassroots action and control in socioeconomic development processes.”[[89]](#footnote-89) Community participation should be structured into strategies for sustainable development, including primary environmental care, primary health care, and the education of children and adults.[[90]](#footnote-90) “At each level of social and political organization, networks of collaborating interests and persons should be cultivated, to promote the integration of sectoral concerns and resources into development processes.”[[91]](#footnote-91)
3. Principle 10 of the *Rio Declaration* states that “[e]nvironmental issues are best handled with participation of all concerned citizens, at the relevant level,” and at the national level, each individual shall have “the opportunity to participate in decision-making processes.”[[92]](#footnote-92) Agenda 21 provides that States “give communities a large measure of participation in sustainable management and protection of local resources in order to enhance their productive capacity.”
4. The *Principles for Forest Development* call for governments to promote and provide opportunities for participation of interested parties including local communities and indigenous peoples, industries, labours, nongovernmental organizations, and individuals in the planning, development, and implementation of national forest policies.[[93]](#footnote-93) The *Nuuk Declaration* declares that decisions regarding activities in the Arctic must be made in a transparent fashion and requires States to undertake to facilitate through national rules and legislation appropriate access to participation in such decisions.[[94]](#footnote-94) *Habitat II* defines an equitable human settlement as one that allows for, among other things, equal opportunity for participation in public decision-making and equal rights and obligations with regards to the conservation and use of natural resources.[[95]](#footnote-95)
5. The *Johannesburg Declaration* recognizes that sustainable development required broad-based participation in policy formulating, decision making, and implantation at all levels.[[96]](#footnote-96) *The* *Future We Want* recognizes that opportunities for people to influence their lives and future, participate in decision-making, and voice their concern are fundamental to achieving sustainable development. [[97]](#footnote-97) It also acknowledges “the role of civil society and the importance of enabling all members of civil society to be actively engaged in sustainable development” and that “improved participation of civil society depends upon, inter alia, strengthening access to information and building civil society capacity and an enabling environment.” [[98]](#footnote-98)

### The obligation to provide access to effective remedies

1. The *OECD Recommendation on Transfrontier Pollution* provides that States should make every effort to introduce a system, if not already in existence, affording an equal right of hearing, according to which:

(a)Whenever a project, a new activity or a course of conduct may create a significant risk of transfrontier pollution and is investigated by public authorities, those who may be affected by such pollution should have the same rights of standing in judicial or administrative proceedings in the country where it originates as those of that country;

(b)Whenever transfrontier pollution gives rise to damage in a country, those who are affected by such pollution should have the same rights of standing in judicial or administrative proceedings in the country where such pollution originates as those of that country, and they should be extended procedural rights equivalent to the rights extended to those of that country. [[99]](#footnote-99)

1. The *World Charter for Nature* indicates that all persons, in accordance with their national legislation, “shall have access to means of redress when their environment has suffered damage or degradation.”[[100]](#footnote-100) The *WCED* *Legal Principles* provide that States shall grant all persons likely to be significantly affected by a planned activity equal access and due process in administrative and judicial proceedings.[[101]](#footnote-101)
2. Principle 10 of the *Rio Declaration* states that “[e]ffective access to judicial and administrative proceedings, including redress and remedy, shall be provided” and Principle 13 provides that States shall “develop national law regarding liability and compensation for the victims of pollution and other environmental damage.”[[102]](#footnote-102)
3. The *Nuuk Declaration* states that decisions relating to Arctic activities must be made in a transparent fashion, through undertaking to facilitate, through national rules and legislation, appropriate access to judicial and administrative proceedings.[[103]](#footnote-103) *Habitat II* states that equitable human settlements should provide equal access to mechanisms ensuring that individuals’ rights are not violated with regards to conservation and use of natural resources.[[104]](#footnote-104)
4. The *Draft Principles on Allocation of Loss* emphasize that “appropriate and effective measures should be in place to ensure that those natural and legal persons, including States, that incur harm and loss as a result of such incidents are able to obtain prompt and adequate compensation.”[[105]](#footnote-105) They also provide that “each State should take all necessary measures to ensure that prompt and adequate compensation is available for victims of transboundary damage caused by hazardous activities located within its territory or otherwise under its jurisdiction or control.”[[106]](#footnote-106) Moreover, they state that “States shall provide their domestic judicial and administrative bodies with the necessary jurisdiction and competence and ensure that these bodies have prompt, adequate and effective remedies available in the event of transboundary damage caused by hazardous activities located within their territory or otherwise under their jurisdiction or control.”[[107]](#footnote-107)
5. The *European Environment and Health Charter* refers to the “polluter pays” principle, providing that the principle should be applied whereby every public and private body that causes or may cause damage to the environment is made financially responsible.[[108]](#footnote-108) Additionally, the Charter provides that every public and private body should protect people's health and be held accountable for its actions.[[109]](#footnote-109)

### Environmental assessment linked to human impacts

1. Many environmental instruments call for environmental assessment. For example, the *Montreal Guidelines* provide that “States should assess the potential effects/impacts, including possible transboundary effects/impacts, of proposed major projects under their jurisdiction or control, particularly in coastal areas, which may cause pollution from land based sources, so that appropriate measures may be taken to prevent or mitigate such pollution.”[[110]](#footnote-110) The *Principles for Forest Development* state that “national policies should ensure that environmental impact assessments should be carried out where actions are likely to have significant adverse impact on important forest resources and where such actions are subject to a decision of a competent national authority.”[[111]](#footnote-111)
2. The *Nuuk Declaration* incorporates the application of the precautionary approaches to development with environmental implications, including prior assessment and systematic observation of the impacts of such development.[[112]](#footnote-112) The *Report of the Conference on Population and Development* recommends that governments integrate demographic factors into environmental impact assessments and other planning and decision-making processes aimed at achieving sustainable development and achieving population and environmental policy integration.[[113]](#footnote-113) The *Beijing Conference Platform of Action* lists as a strategic objective for governments to establish and strengthen mechanisms at the national, regional and international level to assess the environmental impacts of development and environmental policies on women.[[114]](#footnote-114)
3. *Habitat II’s Global Plan of Action* recognizes the desirability of using environmental andsocial impact assessments as part of an effort to integrate national, subnational and local policies and programmes.[[115]](#footnote-115) Moreover, the Plan of Action provides that to improve environmental conditions and reduce industrial and domestic waste and other forms of health risks in human settlements, “governments at the appropriate levels and in partnership with all interested parties should, undertake environmental assessments and environmental impact assessments for development plans and projects, respectively, that may significantly affect the quality of the environment.”[[116]](#footnote-116)
4. The *Draft Articles on Transboundary Harm* state that “any decision in respect of the authorization of an activity within the scope of the present articles shall, in particular, be based on an assessment of the possible transboundary harm caused by that activity, including

any environmental impact assessment.”[[117]](#footnote-117)

### Education and public awareness

1. The *Stockholm Declaration* provides that “education in environmental matters, for the younger generation as well as adults, giving due consideration to the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension.”[[118]](#footnote-118)
2. The *World Charter for Nature* provides that knowledge of nature shall be broadly disseminated by all possible means, particularly by ecological education as an integral part of general education,” and that “[c]onstant efforts shall be made to increase knowledge of nature by scientific research and to disseminate such knowledge unimpeded by restrictions of any kind.”[[119]](#footnote-119)
3. The *European* *Environment and Health Charter* states that the media play a key role in promoting awareness and a positive attitude towards protection of health and the environment and that “they are entitled to adequate and accurate information and should be encouraged to communicate this information effectively to the public.”[[120]](#footnote-120) The *Charter* also recognizes that non-governmental organisations play an important role promoting public awareness.[[121]](#footnote-121) The *Principles for Forest Development* notethat national, and where appropriate, regional and international, institutional capacity in education is essential to the conservation and sustainable development of forests and should be strengthened.[[122]](#footnote-122)
4. The *Report of the Conference on Population and Development* recognizes the right to education, directed to the full development of human resources, dignity, and potential. Education should be designed to strengthen respect for human rights and fundamental freedoms, including those related to population and development.[[123]](#footnote-123) In order to achieve population and environment integration, governmentsshould promote public awareness and understanding.[[124]](#footnote-124)
5. The *Report of the World Summit for Social Development* commits Parties to promote, in all education policies and programs, environmental awareness, including awareness of unsustainable patterns of production and consumption, in the attainment of sustainable and social development, and the highest possible standards of physical and mental health.[[125]](#footnote-125)
6. *Agenda 21* encourages governments to establish a network of community based learning centres for capacity-building and sustainable development.[[126]](#footnote-126) *Habitat II Plan of Action* requests governments to “[r]aise awareness of the interdependencies between the environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene”.[[127]](#footnote-127) The *Rome Declaration on World Food Security* lists as an objective for governments to promote training programmes on environmental protection.[[128]](#footnote-128)

## Substantive Obligations

1. Although, as mentioned, global and regional non-binding environmental instruments do not typically characterise obligations on States as human rights obligations, in many cases these instruments provide that States should undertake specific steps to prevent harm to human life and health. The following list is intended only to give a sense of the range of such provisions; it is far from exhaustive.
2. The *Stockholm Declaration* provides that “[t]he discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems.”[[129]](#footnote-129) The *Declaration* further states that “States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health.”[[130]](#footnote-130) It states that:

environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.[[131]](#footnote-131)

1. The *World Charter for Nature* recognizes that human needs can only be met by ensuring the proper functioning of natural systems, and provides that “activities which might have an impact on nature shall be controlled, and the best available technologies that minimize significant risks to nature or other adverse effects shall be used,” in particular “areas degraded by human activity shall be rehabilitated for purposes in accord with their natural potential and compatible with the well-being of affected populations.”[[132]](#footnote-132)
2. The *Montreal Guidelines* provide that States should adopt, individually or jointly, and in accordance with their capabilities, all measures necessary to prevent, reduce, or control pollution from land-based sources including measures designed to minimize to the fullest possible extent, the release of toxic, harmful, and noxious substances into the environment.[[133]](#footnote-133) As discussed above, the *Guidelines* define such pollution as substances that result or are likely to result in such deleterious effects as hazards to human health.[[134]](#footnote-134) To this end, it suggests that States should employ adequate control strategies, progressively formulate and adopt standards based on marine quality or emissions, and establish monitoring and data management systems in devising a comprehensive approach to environmental management.[[135]](#footnote-135)
3. The *European Environment and Health Charter* lists a number of measures that should be undertaken to utilize the environment as a positive resource for human health and well-being including, *inter alia*, better land-use planning, waste recycling, and a greater emphasis on health implications in Environmental Impact Assessments.[[136]](#footnote-136) Member States agree to focus on the environmental and health impact of, *inter alia*, energy use, transportation, air quality measures, agriculture practices, and biotechnology.[[137]](#footnote-137) The *Charter* also asks member States to pay special attention to the availability of safe and adequate drinking water as well as the safety of food.[[138]](#footnote-138) In addition, the *Charter* provides that the health of individuals and communities should take clear precedence over considerations of economy and trade.[[139]](#footnote-139)
4. The *Pan-American Charter* provides as a policy and strategy principle that “[p]rotecting and promoting the health of all persons, in an environment that supports their

wellbeing, should serve as the prime decision-making criterion in planning and managing socioeconomic development.”[[140]](#footnote-140) The *Pan-American Charter* identifies many common priorities to address environmental-based health problems, among which are updating and strengthening national and local strategies for implementing commitments made in United Nations and other international fora concerning environment, health and development; establishing or improving cross-sectoral monitoring/surveillance mechanisms able to identify and assess existing and potential hazards to humans and the environment; and initiating early and effective action to control environmental conditions with adverse health effects on many communities.[[141]](#footnote-141)

1. The *Rio Declaration* proclaims that “[i]n order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”[[142]](#footnote-142)
2. The *Principles for Forest Development* state, “Forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual needs of present and future generations.”[[143]](#footnote-143)
3. *Agenda 21* recommends that States to take various measures aimed at conservation and management of resources for development.[[144]](#footnote-144) Governments are also urged to rehabilitate degraded resources, to the extent practicable, and introduce policy measures promoting sustainable use of resources for basic human needs.[[145]](#footnote-145) With regards to the health sector, national governments should consider developing a national health plan that includes measures to control environmental factors that influence the spread of communicable diseases.[[146]](#footnote-146) The *Report of the Conference on Population and Development* calls on States, in order to achieve sustainable development and a higher quality of life for all people, to reduce and eliminate unsustainable patterns of production and consumption and promote appropriate policies to meet the needs of current and future generations.[[147]](#footnote-147) To this end, the Reportrecommends various actions for States that are consistent with Agenda 21.[[148]](#footnote-148)
4. *Habitat II’s Istanbul Declaration* acknowledges “the need to address the global, economic, social and environmental trends to ensure the creation of better living environments for all people.”[[149]](#footnote-149) Sustainability of human settlements also entails “the conservation of biological diversity and the sustainable use of its components, and maintenance of cultural diversity as well as air, water, forest, vegetation and soil qualities at standards sufficient to sustain human life and well-being for future generations.”[[150]](#footnote-150) *Habitat II’s Plan of Action* also states that “[s]ustainable human settlements depend on the interactive development of policies and concrete actions to,” among other things, protect the environment.[[151]](#footnote-151) To improve the health and well-being of all people throughout their life-span, particularly people living in poverty, *Habitat II’s Plan of Action* provides that governments at the appropriate levels, including local authorities, in partnership with other interested parties, should “[a]dopt measures to prevent and control air, water and soil pollution and to reduce noise levels, where appropriate, and develop and ensure access to appropriate preventive and curative health-care systems in order to tackle related health problems.”[[152]](#footnote-152) To improve environmental conditions and reduce industrial and domestic waste and other forms of health risks in human settlements, governments should, *inter alia*:

develop and implement nationaland local plans, policies and specific cross-sectoral programmes addressing all relevant chapters of Agenda 21; develop laws and policies that specify appropriate ambient environmental quality levels and set targets for environmental improvements and identify instruments for their achievement appropriate to national and subnational priorities and conditions; establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels; [and] set environmental standards so as to facilitate the selection and development of appropriate technologies and their appropriate use.[[153]](#footnote-153)

1. The *Rome Declaration on World Food Security* notes the urgent need to combat environmental threats to foods security such as pests, drought, and natural resource degradation including desertification,overfishing and erosionof biological diversity.[[154]](#footnote-154) It states that harmful seasonal and inter-annual instability of food supplies can be reduced, including through “targeting on minimizing the vulnerability to, and impact of, climate fluctuations.”[[155]](#footnote-155)
2. *The* *Future We Want* recognizes that “urgent action on unsustainable patterns of production and consumption where they occur remains fundamental in addressing environmental sustainability and promoting conservation and sustainable use of biodiversity and ecosystems, regeneration of natural resources, and the promotion of sustained, inclusive and equitable global growth.”[[156]](#footnote-156) *The* *Future We Want* further recognizes the necessity to promote, enhance and support more sustainable agriculture, including crops, livestock, forestry,fisheries and aquaculture, that improves food security, eradicates hunger, and is economically viable, while conserving land, water, plant and animal genetic resources, biodiversity and ecosystems, and enhancing resilience to climate change and natural disasters.[[157]](#footnote-157) States are urged to adopt measures to significantly reduce water pollution and increase water quality.[[158]](#footnote-158)

## Obligations Relating to Members of Groups in Vulnerable Situations and to Non-Discrimination

1. A number of instruments address members of groups in vulnerable situations or make clear that environmental policies should be applied without discrimination. For example, the *Stockholm Declaration* proclaims that “man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being,” and he bears a “solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.”[[159]](#footnote-159) More specific statements on women, children, indigenous peoples, farmers and the elderly are set out in the subsections below.
2. More generally, the *Report of the Conference on Population and Development* provides that States, in attempting to achieve sustainable economic growth and social progress, offer equal opportunities to all people.[[160]](#footnote-160) The *Report of the World Summit for Social Development* calls on States to promote democracy, human integrity, social justice and solidarity at all levels by ensuring tolerance, non-violence, pluralism, and non-discrimination with full respect for diversity within and among societies.[[161]](#footnote-161) *Habitat II’s Agenda*  recognizes that equitable human settlements “are those in which all people, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, have equal access to housing, infrastructure, health services, adequate food and water, education and open spaces.”[[162]](#footnote-162)
3. A number of instruments address non-discrimination against foreign residents with respect to transboundary environmental harm. The *OECD Recommendation on Transfrontier Pollution* provides that States should initially base their actions in controlling pollution on the principle of non-discrimination, whereby, among other things, “persons affected by transfrontier pollution should be granted no less favourable treatment than persons affected by a similar pollution in the country from which such transfrontier pollution originates.”[[163]](#footnote-163) Similarly, the International Law Commission’s *Draft Articles on Transboundary Harm* provide that States shall not discriminate, on the basis of nationality, or residence, or place where the injury might occur, in granting persons, natural or juridical, who may be or are exposed to the risk of significant transboundary harm as a result of an activity within the scope of the Articles, in accordance with its legal system, access to judicial or other procedures to seek protection or other appropriate redress.[[164]](#footnote-164) Its *Draft Principles on Allocation of Loss* state, “Victims of transboundary damage should have access to remedies in the State of origin that are no less prompt, adequate and effective than those available to victims that suffer damage, from the same incident, within the territory of that State.”[[165]](#footnote-165)
4. Other instruments also refer to the importance of equal access for those affected by transboundary environmental harm. The *WCED Legal Principles* provide that States should grant equal access, due process, and equal treatment in administrative and judicial processes to all persons who are, or may be, affected by transboundary interference with natural resources or their environment.[[166]](#footnote-166) The *UNEP Draft Principles of Conduct* provide that States should endeavour, in accordance with their legal systems, and where appropriate, to provide persons in other States who have been adversely affected by environmental damage resulting from the utilization of shared resources with equivalent access to and treatment in administrative and judicial proceedings as are available to people similarly affected in their own jurisdictions.[[167]](#footnote-167) And the *Restatement (Third) on Foreign Relations* provides that, where pollution originating in a State has caused significant injury or a risk of significant injury to a person outside of that State, the State of origin is obligated to give accorded the injured or exposed person the same judicial or administrative remedies as are available to similarly situated persons within that State.[[168]](#footnote-168)

### Women

1. The *Bangkok Declaration* recognizes that ignoring women’s needs can have dire consequences including “uncontrolled population growth, high infant and child mortality, weakened economy, ineffective agriculture production, deteriorating environment, a generally divided society, and a poorer quality of life for all.” The *Declaration* emphasizes that women should not be treated as merely contraceptive agents or means for economic development, but should be regarded as “human persons equal to men in their dignity and worth as human beings.”[[169]](#footnote-169) The *Declaration* lays out special measures for the full involvement of women in development planning, including ensuring that women are consulted at all planning levels, repealing all laws that prevent women from owning or administering resources, equalizing training and education opportunities.[[170]](#footnote-170)
2. The *Rio Declaration* emphasizes that “women have a vital role in environmental management and development” and that “their full participation is therefore essential to achieve sustainable development.”[[171]](#footnote-171) The *Principles for Forest Development* provide that “[t]he full participation of women in all aspects of the management, conservation and sustainable development of forests should be actively promoted.”[[172]](#footnote-172) The *Report of the Conference on Population and Development* recognizes the human rights of women and girls as inalienable, integral and indivisible part of universal human rights and calls for full and equal participation of women in civil, cultural, economic, political, and social life, at the national, regional, and international level.[[173]](#footnote-173)
3. The *World Summit for Social Development* acknowledges “that social and economic development cannot be secured in a sustainable way without the full participation of women and that equality and equity between women and men is a priority for the international community and as such must be at the centre of economic and social development.”[[174]](#footnote-174) Recognizing that women bear a disproportionate share of the problems of coping with poverty, social disintegration, unemployment, environmental degradation, and the effects of war, the *Declaration* calls on States to “strengthen policies and programmes that improve, ensure and broaden the participation of women in all spheres of political, economic, social and cultural life.”[[175]](#footnote-175)
4. *Agenda 21* recognizes that “women’s groups are important sources of innovation and action at the local level and have a strong interest and proven ability to promote sustainable livelihoods,” and calls for the empowerment of women “through full participation in decision-making.”[[176]](#footnote-176) *Agenda 21* alsoproposes various objectives to national Governments pertaining to woman, including to increase the proportion of women decision makers, planners, technical advisers, managers and extension workers in environment and development fields, and “to formulate and implement clear governmental policies and national guidelines, strategies and plans for the achievement of equality in all aspects of society, including the promotion of women's participation in key decision-making positions and in management of the environment, particularly as it pertains to their access to resources.” [[177]](#footnote-177) Appropriate urgent measures should be taken “to avert the ongoing rapid environmental and economic degradation in developing countries that generally affects the lives of women and children in rural areas suffering drought, desertification and deforestation, armed hostilities, natural disasters, toxic waste and the aftermath of the use of unsuitable agro-chemical products.”[[178]](#footnote-178)
5. The *Beijing Conference Platform of Action* provides that “[e]quitable social development that recognizes empowering the poor, particularly women, to utilize environmental resources sustainably is a necessary foundation for sustainable development.”[[179]](#footnote-179) The *Platform of Action* sets forth three main strategic objectives in the area of women and the environment.[[180]](#footnote-180) These include involving women actively in environmental decision-making at all levels; integrating gender concerns and perspectives in policies and programmes for sustainable development; and strengthening or establishing mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women. The *Beijing Conference Platform of Action* also emphasizes that women’s rights are human rights, and that empowerment and full participation of women in all spheres of society, including participation in decision-making processes and access to power, are fundamental to the achievement of equality, development, and peace, including, *inter alia*, an ecologically sound environment.[[181]](#footnote-181) Governments should seek to ensure opportunities for participation, access to information and education regarding environmental management and conservation, as well as provide appropriate mechanisms to prevent environmental hazards and address environmental degradation that disproportionately affect women.[[182]](#footnote-182) The *Platform of Action* also calls on States to develop and implement plans to provide universal access to and ensure gender equality of primary education, to diversify technical and vocational training, and to establish human rights education programs that incorporate the gender dimension in all levels of study, including that on environmental management.[[183]](#footnote-183)
6. *Habitat II* affirms that empowerment of women and their full and equal participation in political, social, and economic life, including the improvement of health and the eradication of poverty, are essential to achieving sustainable human settlements.[[184]](#footnote-184) The *Plan of Action* requires governments to “ensure adequate research to assess how and to what extent women and children are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women and children, particularly women with low incomes, indigenous women and women belonging to minorities.”[[185]](#footnote-185) Governments should also ensure “the full and equal participation of women in all decision-making relating to water resource conservation, management and technological choice.”[[186]](#footnote-186)
7. The *Rome Declaration on World Food Security* states that the full and equal participation of men and women are essential to achieving sustainable food security for all, and calls on governments to, among other things, “promote women’s full and equal participation in the economy, and for this purpose introduce and enforce gender-sensitive legislation providing women with secure and equal access to and control over productive resources including credit, land and watere,” and “gather information on women's traditional knowledge and skills in agriculture, fisheries, forestry and natural resources management.”[[187]](#footnote-187)
8. The *Pan-American Charter* acknowledges that the goals of equitable socioeconomic development, environmental protection, and healthy populations are interdependent and should be pursued in mutually-reinforcing ways that, among other things, expand the recognized role of women in social development and natural conservation.[[188]](#footnote-188)
9. *The* *Future We Want* recognizes that “gender equality and women’s empowerment are important for sustainable development and our common future” and reaffirms “commitments to ensure women’s equal rights, access and opportunities for participation and leadership in the economy, society and political decision-making.[[189]](#footnote-189) *The* *Future We Want* further underscores “that women have a vital role to play in achieving sustainable development” and “the leadership role of women” and resolves to “promote gender equality and women’s empowerment and to ensure their full and effective participation in sustainable development policies, programmes and decision-making at all levels.[[190]](#footnote-190) *The* *Future We Want* stresses the importance of empowering rural women as critical agents for enhancing agricultural and rural development and food security and nutrition.[[191]](#footnote-191)

### Children

1. The *Rio Declaration* provides that the creativity, ideals, and courage of youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all.[[192]](#footnote-192) Noting that “[c]hildren not only will inherit the responsibility of looking after the Earth, but in many developing countries, they comprise nearly half the population,” *Agenda 21* recognizes that children are highly vulnerable to the effects of environmental degradation and determines that “the specific interests of children need to be taken fully into account in the participatory process on environment and development in order to safeguard the future sustainability of any actions taken to improve the environment.”[[193]](#footnote-193)To this end, *Agenda* 21 requires States to enact appropriate environmental and health legislative and regulatory policies to ensure that young people can develop, establish, and maintain healthy lives, and to provide education for environmental and developmental responsibility.[[194]](#footnote-194)
2. *Habitat II’s Agenda* acknowledges that the needs of youth and children should be taken into account, particularly with regard to their living environments, and “special attention needs to be paid to the participatory processes dealing with the shaping of cities, towns and neighbourhoods; this is in order to secure the living conditions of children and of youth and to make use of their insight, creativity and thoughts on the environment.”[[195]](#footnote-195) States are encouraged to ensure that children have access to the natural world on a daily basis, provide education and training, and encourage awareness campaigns developed and implemented by youth aimed at “increasing their consciousness of environmental values and the environmental implications of their production, consumption, behavioural, and ethical choices.”[[196]](#footnote-196)
3. *The* *Future We Want* stresses “the importance of the active participation of young people in decision-making processes, as the issues we are addressing have a deep impact on present and future generations and as the contribution of children and youth is vital to the achievement of sustainable development.”[[197]](#footnote-197) It also recognizes “the need to promote intergenerational dialogue and solidarity by recognizing their views.”[[198]](#footnote-198)

### Indigenous peoples and local communities

1. Principle 22 of the *Rio Declaration* acknowledges that “indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.”[[199]](#footnote-199) Affirming Principle 22, the *Nuuk Declaration* recognizes “the special role of the indigenous peoples in environmental management and development in the Arctic, and of the significance of their knowledge and traditional practices,” and seeks to “promote their effective participation in the achievement of sustainable development in the Arctic.”[[200]](#footnote-200)
2. The *Principles for Forest Development* provide that national policies should recognize the identity, culture, and rights of indigenous peoples, their communities, and other forest dwellers.[[201]](#footnote-201) Accordingly, appropriate conditions should be “promoted for these groups to enable them to have an economic stake in forest use, perform economic activities, and achieve and maintain cultural identity and social organization, as well as adequate levels of livelihood and well-being, through, inter alia, those land tenure arrangements which serve as incentives for the sustainable management of forests.”[[202]](#footnote-202) The *Principles* further provide that “appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, through institutional and financial support and in collaboration with the people in the local communities concerned, be recognized, respected, recorded, developed and, as appropriate, introduced in the implementation of programmes.”[[203]](#footnote-203)
3. The *Report of the Conference on Population and Development* provides that States should recognize and support indigenous peoples’ identity, culture, and interests, and enable them to participate fully in economic, political, and social life of the country, particularly where their health, education, and well-being are affected.[[204]](#footnote-204) The *World Summit for Social Development* declares the need to create a framework of action to recognize and support indigenous peoples in their pursuit of economic and social development, with full respect for their identity, traditions, forms of social organization and cultural values.[[205]](#footnote-205)
4. *Agenda 21* provides that Governments, in cooperation with appropriate international and non-governmental organizations, should support a community-driven approach to sustainability, which would include, inter alia, respecting the cultural integrity and the rights of indigenous peoples and their communities.[[206]](#footnote-206) *Agenda 21* recommends that governments establish a process to empower indigenous people and their communities through measures that include: adoption or strengthening of appropriate policies and/or legal instruments at the national level; recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate; and recognition that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continues to be essential to the cultural, economic and physical well-being of indigenous people and their communities.[[207]](#footnote-207)
5. The *Beijing Conference Platform of Action* recognizes that indigenous women may face additional barriers in enjoying human right, and that “indigenous women often face barriers both as women and as members of indigenous communities[[208]](#footnote-208) The *Platform of Action* recommends Governments to, among other things, “ensure opportunities for women, including indigenous women, to participate in environmental decision-making at all levels, including as managers, designers and planners, and as implementers and evaluators of environmental projects.”[[209]](#footnote-209)
6. *Habitat II’s Agenda* provides that in order to promote the continuing progress of indigenous people and to ensure their full participation in the development of the rural and urban areas in which they live, with full respect for their cultures, languages, traditions, education, social organizations and settlement patterns, governments and leaders of indigenous communities, within the national context, should “[t]ake particular actions to enhance their productive capacities, ensuring their full and equal access to social and economic services and their participation in the elaboration and implementation of policies that affect their development.”[[210]](#footnote-210)
7. The *Johannesburg Declaration* reaffirms the vital role of indigenous peoples in sustainable development.[[211]](#footnote-211) *The* *Future We Want* recognizes the importance of the UN Declaration on the Rights of Indigenous Peoples in the context of global, regional, national and subnational implementation of sustainable development strategies, and stresses the importance of participation of indigenous communities in the achievement of sustainable development.[[212]](#footnote-212) *The* *Future We Want* affirms that green economy policies in the context of sustainable development and poverty eradication should “enhance the welfare of indigenous peoples and their communities, other local and traditional communities and ethnic minorities, recognizing and supporting their identity, culture and interests, and avoid endangering their cultural heritage, practices and traditional knowledge, preserving and respecting non-market approaches that contribute to the eradication of poverty.”[[213]](#footnote-213) With regards to food security, *The* *Future We Want* recognizes the importance of traditional sustainable agricultural practices, including traditional seed supply systems, including for many indigenous peoples and local communities.[[214]](#footnote-214)

### Farmers

1. The *Bangkok Declaration* recognizes that establishing a sustainable relationship between human and environmental resources requires the adoption of legislation to protect village forests and farmland rights, particularly for impoverished farmers.[[215]](#footnote-215)
2. *The* *Future We Want* recognizes that farmers, including small-scale farmers and fishers, pastoralists and foresters, can make important contributions to sustainable development through production activities that are environmentally sound, enhance food security and the livelihood of the poor, and invigorate production and sustained economic growth.[[216]](#footnote-216)

### Elderly

1. The *Bangkok Declaration* emphasizes that a successful sustainable development strategy must provide for the security of the aged, keeping in mind that population, resources, and the environment are inextricably linked and development cannot be sustained without due regard for each.[[217]](#footnote-217)

# Cross-cutting Issues

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

## Obligations Relating to Transboundary Environmental Harm

1. Most of these instruments address transboundary environmental harm, building on Principle 21 of the *Stockholm Declaration*, which provides that States have “the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”[[218]](#footnote-218)
2. For example, the *Montreal Guidelines* recognize the duty of States to ensure that discharges from land-based sources within their territories do not cause pollution to the marine environment of other States beyond the limits of their natural jurisdiction.[[219]](#footnote-219) The *WCED Legal Principle* provides that States shall use transboundary resources in a reasonable and equitable manner, and to prevent or abate any transboundary environmental interference that could cause or causes significant harm. [[220]](#footnote-220) The *Restatement (Third) on Foreign Relations* states that a State is obligated to take such measures necessary, to the extent practicable under the circumstances, to ensure that activities within its jurisdiction or control conform to accepted international rules regarding the prevention, reduction, and control of environmental injury to the territory of other States, and are conducted to as not to cause significant environmental injury to the territory of other States.[[221]](#footnote-221) The *European* *Environment and Health Charter* provides that every government and public authority has the responsibility to ensure that activities under its jurisdiction or control do not cause damage to human health in other States.[[222]](#footnote-222)
3. Principle 2 of the *Rio Declaration* echoes Principle 21, stating that States have the responsibility to ensure that activities within their jurisdiction or control do not cause harm to the environment of other States or of areas beyond the limits of national jurisdiction.[[223]](#footnote-223) The *Nuuk Declaration* reaffirms Principle 2 of the *Rio Declaration*.[[224]](#footnote-224) The *Draft Articles on Transboundary Harm* also provide that the State of origin shall take all appropriate measures to prevent significant transboundary harm or in any event, to minimize the risk thereof.[[225]](#footnote-225)
4. In general, these instruments also call for international cooperation to address transboundary issues. For example, the *Stockholm Declaration* provides that “international cooperation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field,” and explains that a “growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive cooperation among nations and action by international organizations in the common interest.”[[226]](#footnote-226) The *Declaration* further provides that “international matters concerning the protection and improvement of the environment should be handled in a cooperative spirit by all countries, big and small, on an equal footing” and that “[c]ooperation through multilateral or bilateral arrangements or other appropriate means is essential to effectively control, prevent, reduce and eliminate adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the sovereignty and interests of all States.”[[227]](#footnote-227)
5. The *OECD Recommendation on Transfrontier Pollution* provides that “[c]ountries concerned by a particular problem of transfrontier pollution should consider the advantages of co-operation, by setting up international commissions or other bodies, or by strengthening existing institutions, in order to deal more effectively with particular aspects of such problems.”[[228]](#footnote-228)
6. The *World Charter for Nature* states that States, international organizations, individuals, groups, and corporations should “[c]o-operate in the task of conserving nature through common activities and other relevant actions, including information exchange and consultation.”[[229]](#footnote-229) The *WCED Legal Principles* provide that “States shall cooperate in good faith with other States in implementing the preceding rights and obligations.” Moreover, “States shall cooperate in good faith with other States to achieve optimal use of transboundary natural resources and effective prevention or abatement of transboundary environmental interferences.”
7. The *Montreal Guidelines* encourage States to “undertake, as appropriate, to establish internationally agreed rules, criteria, standards and recommended practices and procedures to prevent, reduce and control pollution from land-based sources, with a view to co-ordinating their policies in this connection, particularly at the local and regional level.”[[230]](#footnote-230) Furthermore, the *Guidelines* provide that if “discharges from a watercourse which flows through the territories of two or more States or forms a boundary between them are likely to cause pollution of the marine environment, the States concerned should co-operate in taking necessary measures to prevent reduce and control such pollution.[[231]](#footnote-231)
8. The *Rio Declaration* provides that “States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.”[[232]](#footnote-232) States are also called on to cooperate “to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation” and that “[e]nvironmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.”[[233]](#footnote-233) *Agenda 21* stresses the importance of overcoming confrontation and fostering a climate of genuine cooperation and solidarity.[[234]](#footnote-234)
9. *Habitat II’s Agenda* provides that “[i]n seeking to prevent transboundary pollution and minimize its impact on human settlements when it does occur, Governments should cooperate to develop appropriate mechanisms for assessing the environmental impact of proposed activities that are likely to have a significant adverse impact on the environment” and that “Governments should also cooperate to develop and implement mechanisms for prior and timely notification, exchange of information and consultation in good faith, and mitigation of the potential adverse effects regarding those activities, taking into account existing international agreements and instruments.”[[235]](#footnote-235) Additionally, governments should cooperate to implement Principle 13 of the *Rio Declaration*, in developing legal mechanisms regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.[[236]](#footnote-236)
10. The *Draft Articles on Transboundary Harm* provide that “States concerned shall cooperate in good faith and, as necessary, seek the assistance of one or more competent international organizations in preventing significant transboundary harm or at any event in minimizing the risk thereof.”[[237]](#footnote-237)
11. The *Johannesburg Declaration* declares that Parties commit to act together, unified by a common determination to save the planet, to promote humane development, and to achieve universal prosperity and peace.[[238]](#footnote-238)

## Obligations Relating to Non-Human Interests

1. Many instruments address non-human interests. For example, the *Stockholm Declaration* recognizes that humans have a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitats.[[239]](#footnote-239) The *Montreal Guidelines* recognize that States have an obligation to protect and preservethe marine environment.[[240]](#footnote-240) The *Principles for Forest Development* recognize the vital role of all forests in maintaining ecological processes at national, regional and global levels.[[241]](#footnote-241) The *Beijing Platform for Action* recognizes that “the major cause of continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances resulting in severe effects on the environment, including harm to crops and ocean life.”[[242]](#footnote-242) *The Future We Want* commits:

to protect, and restore, the health, productivity and resilience of oceans and marine ecosystems, and to maintain their biodiversity, enabling their conservation and sustainable use for present and future generations, and to effectively apply an ecosystem approach and the precautionary approach in the management, in accordance with international law, of activities having an impact on the marine environment, to deliver on all three dimensions of sustainable development.[[243]](#footnote-243)

## Obligations Relating to Non-State Actors

1. *The Pan-American Charter* provides that as a shared responsibility that “all persons and families, in protecting and promoting their own health, are responsible for limiting demands on, and otherwise conserving, their shared environmental heritage, in cooperation with their neighbors and other community interests.”[[244]](#footnote-244) It also includes as a policy and strategy principle that private development investments should include support for building the human technological and information resources necessary to manage the long- and short-term environmental determinants of human health.[[245]](#footnote-245)
2. The *European Environment and Health Charter* provides that every public and private body should protect people's health from harmful effects and be accountable for its actions.[[246]](#footnote-246) Additionally, it states that “[e]very individual has a responsibility to contribute to the protection of the environment, in the interests of his or her own health and the health of others.”[[247]](#footnote-247)

## Obligations Relating to Future Generations

1. Many of these instruments refer to the protection of future generations. For example, the *Stockholm Declaration* recognizes that man “bears a solemn responsibility to protect and improve the environment for present and future generations.”[[248]](#footnote-248) The *World Charter for Nature* invites States to “conduct their activities in recognition of the supreme importance of protecting natural systems, maintaining the balance and quality of nature and conserving natural resources, in the interests of present and future generations.[[249]](#footnote-249) The *WCED Legal Principles* provide that “States shall conserve and use the environment and natural resources for the benefit of present and future generations.”[[250]](#footnote-250)
2. The *Bangkok Declaration* declares achievement of “[a] better life for future generations,” as one of the main objectives of the *Declaration*.[[251]](#footnote-251) The *Rio Declaration* states that “[t]he right of development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.”[[252]](#footnote-252) The *Principles for Forest Development* provide that “forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural, and spiritual needs of present and future generations.”[[253]](#footnote-253) The *Nuuk Declaration* refers to the determination “to conserve and protect the Arctic environment for the benefit of present and future generations, as well as for the global environment.”[[254]](#footnote-254)
3. The *Report of the Conference on Population and Development* recognizes that “[e]cological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations” and provides that the “right to development must be fulfilled so as to equitably meet the population, development, and environmental needs of present and future development.”[[255]](#footnote-255) The *World Summit for Social Development* seeks to fulfil the responsibility for present and future generations by “ensuring equity among generations and protecting the integrity and sustainable use of the environment.”[[256]](#footnote-256) The *Beijing Conference Plan of Action* recognizes that as “consumers and producers, caretakers of their families and educators, women play an important role in promoting sustainable development through their concern for the quality and sustainability of life for present and future generations.”[[257]](#footnote-257) *Habitat II* states that “[a]ll people have rights and must also accept their responsibility to respect and protect the rights of others - including future generations - and to contribute actively to the common good.”[[258]](#footnote-258)

# Conclusions

1. Although non-binding environmental instruments rarely contain provisions on human rights as such, the instruments discussed in this report have provisions related to the protection of human interests protected by human rights, and explicitly identify environmental harm in a manner that can impact on human health, life, food security and livelihoods.

1. Declaration of the United Nations Conference on the Human Environment, Stockholm, 16 June 1972, U.N. Doc. A/CONF.48/14/Rev.1 (1972) [hereinafter Stockholm Declaration]. [↑](#footnote-ref-1)
2. OECD, Council Recommendation on Principles Concerning Transfrontier Pollution, OECD Doc. C74(224) (1974), reprinted in 14 I.L.M. 242 (1975) [hereinafter OECD Recommendation on Transfrontier Pollution]. [↑](#footnote-ref-2)
3. OECD, Council Recommendation for the Implementation of a Regime of Equal Right of Access and Non-Discrimination in Relation to Trans-frontier Pollution, OECD Doc. C(77)28 Final (1977), reprinted in 16 I.L.M. 977 (1977) [hereinafter OECD Recommendation on Equal Access and Non-Discrimination ]. [↑](#footnote-ref-3)
4. Draft Principles of Conduct in the Field of Environment for the Guidance of States in the Conservation and Harmonious Utilization of Natural Resources Shared by Two or More States, in Report of the Fifth Session of Intergovernmental Working Group of Experts on Natural Resources Shared by Two or More States, U.N. Doc. UNEP/GC.6/17 (1978) reprinted in 17 I.L.M. 1091 (1978) [UNEP Draft Principles of Conduct]. [↑](#footnote-ref-4)
5. General Assembly Resolution 35/8, 30 October 1980, U.N. Doc. A/RES/35/8. [↑](#footnote-ref-5)
6. World Charter for Nature, General Assembly Resolution 37/7, 28 October 1982, U.N. Doc A/RES/37/7. [↑](#footnote-ref-6)
7. General Assembly Resolution 37/51, 3 December 1982, U.N. Doc. A/RES/37/51. [↑](#footnote-ref-7)
8. Montreal Guidelines for the Protection of the Marine Environment Against Pollution from Land-Based Sources, reprinted in Final Report of the Ad Hoc Working Group of Experts on the Protection of the Marine Environment Against Pollution from Land-Based Sources, U.N. Doc. UNEP/W.G.120/3 (1985) [hereinafter Montreal Guidelines]. [↑](#footnote-ref-8)
9. Legal Principles for the Environmental Protection and Sustainable Development, adopted by the Experts Group on Environmental Law of the World Commission on Environment and Development (WCED), 18–20 June 1986, U.N. Doc. WCED/86/23Add. 1 (1986) [hereinafter WCED Legal Principles]. [↑](#footnote-ref-9)
10. Restatement (Third) of the Foreign Relations Law of the United States, §§601, 602 (1987). [↑](#footnote-ref-10)
11. European Charter on Environment and Health, adopted at First European Conference on Environment and Health, Frankfurt, 7–8 December 1989 [hereinafter European Environment and Health Charter]. [↑](#footnote-ref-11)
12. Pan-American Charter on Health and Environment in Sustainable Human Development, Washington, 3 October 1995. [↑](#footnote-ref-12)
13. Ministerial Declaration on Environmentally Sound and Sustainable Development in Asia and the Pacific (Bangkok, 16 October 1990) A/CONF.151/PC/38 [hereinafter Bangkok Declaration]. [↑](#footnote-ref-13)
14. Rio Declaration on Environment and Development, U.N. Doc A/CONF/.151/5Rev.1 (Rio de Janeiro, Brazil, 14 June 1992), reprinted in 31 I.L.M. 874 [hereinafter Rio Declaration]. [↑](#footnote-ref-14)
15. Agenda 21, U.N. Conference on Environment and Development, U.N. Doc A/CONF/.151/PC/100/Add.1 (1992). [↑](#footnote-ref-15)
16. Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests, U.N. Doc. A/CONF/.151/26 (Vol. III) (1992) [hereinafter Principles for Forest Development]. [↑](#footnote-ref-16)
17. Nuuk Declaration on Environment and Development in the Arctic, Sept. 16, 1993, 1993 WL 645202. [↑](#footnote-ref-17)
18. Report of the International Conference on Population and Development, U.N. Doc. A/CONF/.171/13 (Cairo, Egypt, 18 October 1994). [↑](#footnote-ref-18)
19. Report of the World Summit for Social Development, U.N. Doc. A/CONF.166/9 (Copenhagen, Denmark, 6–12 March 1995). [↑](#footnote-ref-19)
20. Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995). [↑](#footnote-ref-20)
21. U.N. Conference on Human Settlements, The Habitat Agenda and the Istanbul Declaration (Habitat II), U.N. Doc. A/CONF.165/14 (Istanbul, Turkey, 3–14 June 1996). [↑](#footnote-ref-21)
22. Food and Agriculture Organization, Rome Declaration on World Food Security, World Food Summit (Rome Declaration on World Food Security) (Rome, Italy, 13–17 November 1996). [↑](#footnote-ref-22)
23. I.L.C. Draft Articles on the Prevention of Transboundary Harm from Hazardous Activities, in Report of the International Law Commission on the Work of its Fifty-third Session, U.N. GAOR, 56th Sess., UN Doc. A/56/10, 146-70 (2001). [↑](#footnote-ref-23)
24. Johannesburg Principles on the Role of Law and Sustainable Development adopted at the Global Judges Symposium, U.N. Doc. A/CONF.199/20 & A/CONF. 199/20/Corr. I (Johannesburg, South Africa, 18–20 August 2002). [↑](#footnote-ref-24)
25. Draft Principles on the Allocation of Loss in the Case of Transboundary Harm Arising out of Hazardous Activities: General Commentary, in Report of the International Law Commission on the Work of Its Fifty-Eighth Session, UN GAOR, 61st Sess., Supp. No. 10, at 106, UN Doc. A/61/10 (2006). [↑](#footnote-ref-25)
26. Johannesburg Declaration on Sustainable Development, World Conference on Sustainable Development, 4 September 2002, A/CONF.199/20. [↑](#footnote-ref-26)
27. U.N. Conference on Sustainable Development, *The Future We Want*, U.N. Doc. A/RES/66/288 (Rio de Janeiro, Brazil, 20–22 June 2012). [↑](#footnote-ref-27)
28. *See 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).*  [↑](#footnote-ref-28)
29. Stockholm Declaration, note 1 *supra*, principle 1. [↑](#footnote-ref-29)
30. WCED Legal Principles, note 9 *supra*, principle 1. [↑](#footnote-ref-30)
31. European Environment and Health Charter, note 11 *supra*, *Entitlements and responsibilities,* ¶ 1. [↑](#footnote-ref-31)
32. Rio Declaration, note 14 *supra*, principle 1. [↑](#footnote-ref-32)
33. Report of the World Summit for Social Development, note 19 *supra*, ¶ 8. [↑](#footnote-ref-33)
34. Beijing World Conference on Women, Platform of Action, note 20 *supra*, art. 246. [↑](#footnote-ref-34)
35. Habitat II, note 21 *supra*, preamble. [↑](#footnote-ref-35)
36. Pan-American Charter, note 12 *supra*,preamble*.* [↑](#footnote-ref-36)
37. Conference on Population and Development, note 18 *supra*, principle 2, action 3.24. [↑](#footnote-ref-37)
38. Stockholm Declaration, note 1 *supra*, preamble & principle 7. [↑](#footnote-ref-38)
39. Montreal Guidelines, note 8 *supra*, art. 1(a). [↑](#footnote-ref-39)
40. European Environment and Health Charter, note 11 *supra,* preamble*.* [↑](#footnote-ref-40)
41. *Ibid.* [↑](#footnote-ref-41)
42. OECD Recommendation on Transfrontier Pollution, note 2 *supra*, Title A. [↑](#footnote-ref-42)
43. Agenda 21, note 15 *supra*, art. 6.3. [↑](#footnote-ref-43)
44. Beijing Conference Platform of Action, note 20 *supra*, *¶* 246. [↑](#footnote-ref-44)
45. Habitat II, Plan of Action, note 21 *supra*, ¶ 129. [↑](#footnote-ref-45)
46. *Ibid.* ¶¶ 130, 131. [↑](#footnote-ref-46)
47. Pan-American Charter, note 12 *supra*, preamble. [↑](#footnote-ref-47)
48. World Charter for Nature,note 6 *supra*,preamble. [↑](#footnote-ref-48)
49. Stockholm Declaration, note 1 *supra*, preamble ¶ 1. [↑](#footnote-ref-49)
50. Bangkok Declaration, note 13 *supra*. [↑](#footnote-ref-50)
51. Principles for Forest Development, note 16 *supra*, preamble (g). [↑](#footnote-ref-51)
52. Conference on Population and Development, note 18 *supra*, preamble¶ 1.2. [↑](#footnote-ref-52)
53. Resolution 35/48, note 5 *supra*. [↑](#footnote-ref-53)
54. Agenda 21, note 15 *supra*, art. 5.3. [↑](#footnote-ref-54)
55. Beijing Conference Platform of Action, note 20 *supra*, ¶ 34. [↑](#footnote-ref-55)
56. Stockholm Declaration, note 1 *supra*, principle 1. [↑](#footnote-ref-56)
57. *Ibid*. principle 8. [↑](#footnote-ref-57)
58. Agenda 21, note 15 *supra*, preamble 1.1. [↑](#footnote-ref-58)
59. Principles for Forest Development, note 16 *supra*, principle 2(b). [↑](#footnote-ref-59)
60. World Summit for Social Development, note 21 *supra*, ¶ 6. [↑](#footnote-ref-60)
61. *Ibid*. ¶ 9. [↑](#footnote-ref-61)
62. Beijing Conference Platform of Action, note 20 *supra*, ¶ 246. [↑](#footnote-ref-62)
63. *Ibid.* [↑](#footnote-ref-63)
64. Rome Declaration on World Food Security, note 22 *supra*, ¶ 24. [↑](#footnote-ref-64)
65. *Ibid.* ¶ 2. [↑](#footnote-ref-65)
66. *The Future We Want*, note 27 *supra*, ¶¶ 111, 113. [↑](#footnote-ref-66)
67. Beijing Conference Platform of Action, note 20 *supra*, ¶ 247. [↑](#footnote-ref-67)
68. *Ibid.* [↑](#footnote-ref-68)
69. Habitat II Plan of Action*,* note 21 *supra*, ¶¶ 128, 130. [↑](#footnote-ref-69)
70. *Ibid.* ¶130. [↑](#footnote-ref-70)
71. *Ibid.* ¶132. [↑](#footnote-ref-71)
72. *The Future We Want,* note 27 *supra*, ¶ 30. [↑](#footnote-ref-72)
73. OECD Recommendation on Equal Access and Non-Discrimination, note 3 *supra*, Title C, 9(a). [↑](#footnote-ref-73)
74. WCED Legal Principles, note 9 *supra*, principle 6. [↑](#footnote-ref-74)
75. European Environment and Health Charter, note 11 *supra*, ¶ 1. [↑](#footnote-ref-75)
76. *Ibid. ¶ 2.* [↑](#footnote-ref-76)
77. *Ibid.* ¶ 7. [↑](#footnote-ref-77)
78. *Ibid.* ¶ 8. [↑](#footnote-ref-78)
79. Rio Declaration, note 14 *supra*, principle 10. [↑](#footnote-ref-79)
80. *Ibid*. [↑](#footnote-ref-80)
81. Principles for Forest Development,note 16 *supra*, principle 2(c). [↑](#footnote-ref-81)
82. Nuuk Declaration, note 17 *supra*, principle 6. [↑](#footnote-ref-82)
83. Habitat II Agenda, note 21 *supra*, goals ¶ 32 & objective 69(e). [↑](#footnote-ref-83)
84. Draft Articles on Transboundary Harm, note 23 *supra*, art. 13. [↑](#footnote-ref-84)
85. World Charter for Nature, note 6 *supra*, principle 23. [↑](#footnote-ref-85)
86. European Environment and Health Charter, note 11 *supra*, *Entitlements and Responsibilities*, ¶ 1. [↑](#footnote-ref-86)
87. *Ibid.* *Strategic elements*,¶ 2. [↑](#footnote-ref-87)
88. Pan-American Charter, note 12 *supra*, preamble. [↑](#footnote-ref-88)
89. *Ibid. Policy and Strategy Principles,* ¶ 4; *Common Priorities*, ¶ 6. [↑](#footnote-ref-89)
90. *Ibid.* *Policy and Strategy Principles*, ¶ 4. [↑](#footnote-ref-90)
91. *Ibid.* [↑](#footnote-ref-91)
92. Rio Declaration, note 14 *supra*, principle 10. [↑](#footnote-ref-92)
93. Principles for Forest Development, note 16 *supra*, principle 2(d). [↑](#footnote-ref-93)
94. Nuuk Declaration, note 17 *supra*, principle 6. [↑](#footnote-ref-94)
95. Habitat II, note 21 *supra*, *Goals*, ¶ 27. [↑](#footnote-ref-95)
96. Johannesburg Declaration, note 26 *supra*, art. 26. [↑](#footnote-ref-96)
97. *The Future We Want*, note 27 *supra*, ¶ 13. [↑](#footnote-ref-97)
98. *Ibid.* ¶ 44. [↑](#footnote-ref-98)
99. OECD Recommendation on Transfrontier Pollution, note 2 *supra*, Title D. [↑](#footnote-ref-99)
100. World Charter for Nature, note 6 *supra*, principle 23. [↑](#footnote-ref-100)
101. WCED Legal Principles, note 9 *supra*, principle 6. [↑](#footnote-ref-101)
102. Rio Declaration, note 14 *supra*, principles 10, 13. [↑](#footnote-ref-102)
103. Nuuk Declaration, note 17 *supra*, principle 6. [↑](#footnote-ref-103)
104. Habitat II Agenda, note 21 *supra*, goals **¶** 27. [↑](#footnote-ref-104)
105. Draft Principles on Allocation of Loss, note 25 *supra*, preamble. [↑](#footnote-ref-105)
106. *Ibid.* art. 4 [↑](#footnote-ref-106)
107. *Ibid.* art. 6. [↑](#footnote-ref-107)
108. European Environment and Health Charter, note 11 *supra*, *Principles for public policy,* ¶ 11. [↑](#footnote-ref-108)
109. *Ibid.* *Entitlements and responsibilities*, ¶ 6. [↑](#footnote-ref-109)
110. Montreal Guidelines, note 8 *supra*, principle12. [↑](#footnote-ref-110)
111. Principles for Forest Development, note 16 *supra*, principle 8(h). [↑](#footnote-ref-111)
112. Nuuk Declaration, note 17 *supra*, principle 8. [↑](#footnote-ref-112)
113. Report of the Conference on Population and Development, note 18 *supra*, Actions ¶ 3.29(a). [↑](#footnote-ref-113)
114. Beijing Conference Platform of Action, note 20 *supra*, art. 258. [↑](#footnote-ref-114)
115. Habitat II plan of Action, note 21 *supra*, ¶ 109. [↑](#footnote-ref-115)
116. *Ibid*. objectives 109, 137(h). [↑](#footnote-ref-116)
117. Draft Articles on Transboundary Harm, note 23 *supra*, art. 7. [↑](#footnote-ref-117)
118. Stockholm Declaration, note 1 *supra*, principle 19. [↑](#footnote-ref-118)
119. World Charter for Nature, note 6 *supra*, principles 15, 18. [↑](#footnote-ref-119)
120. Environment and Health Charter, note 11 *supra*, *Entitlements and responsibilities*, ¶ 7. [↑](#footnote-ref-120)
121. *Ibid*. *Entitlements and responsibilities*, ¶ 8. [↑](#footnote-ref-121)
122. Principles for Forest Development, note 16 *supra*, principle 12(b). [↑](#footnote-ref-122)
123. Report of the Conference on Population and Development, note 18 *supra*, principle 10. [↑](#footnote-ref-123)
124. *Ibid.* action 3.32. [↑](#footnote-ref-124)
125. Report of the World Summit for Sustainable Development, note 19 *supra*, commitment 6(r). [↑](#footnote-ref-125)
126. Agenda 21, note 15 *supra*, art. 3.7(e). [↑](#footnote-ref-126)
127. Habitat II Plan of Action, note 21 *supra*, ¶ 136 (h). [↑](#footnote-ref-127)
128. Rome Declaration Plan of Action, note 24 *supra*, Objective 2.4. [↑](#footnote-ref-128)
129. Stockholm Declaration, note 1 *supra*, principle 6. [↑](#footnote-ref-129)
130. *Ibid.* principle 7. [↑](#footnote-ref-130)
131. *Ibid.* principle 11. [↑](#footnote-ref-131)
132. World Charter for Nature, note 6 *supra*, principles 6, 11(e). [↑](#footnote-ref-132)
133. Montreal Guidelines, note 8 *supra*, art. 4(a). [↑](#footnote-ref-133)
134. *Ibid.* art. 1(a). [↑](#footnote-ref-134)
135. *Ibid.* arts. 10, 11, 13. [↑](#footnote-ref-135)
136. European Environment and Health Charter, note 11 *supra*, *Strategic elements,* ¶ 1. [↑](#footnote-ref-136)
137. *Ibid.* *Priorities,* ¶ 1. [↑](#footnote-ref-137)
138. *Ibid.* *Priorities,* ¶ 1. [↑](#footnote-ref-138)
139. *Ibid.* *Principles for public policy,* ¶ 6. [↑](#footnote-ref-139)
140. Pan-American Charter, note 12 *supra*, *Policy and strategy principles*, ¶ 1. [↑](#footnote-ref-140)
141. *Ibid.* *Common Priorities*. [↑](#footnote-ref-141)
142. Rio Declaration, note 14 *supra*, principle 4. [↑](#footnote-ref-142)
143. Principles for Forest Development, note 16 *supra*, preamble (b), (g), and principle 2(b). [↑](#footnote-ref-143)
144. Agenda 21, note 15 *supra*, chapters 9-22 (covering the atmosphere, land resources, fragile ecosystems, biological diversity, biotechnology, oceans and freshwater resources, and hazardous and radioactive wastes). [↑](#footnote-ref-144)
145. *Ibid.* art. 3.8(g). [↑](#footnote-ref-145)
146. *Ibid.* art. 6.13(d). [↑](#footnote-ref-146)
147. Report of the Convention on Population and Development, note 18 *supra*, principle 6. [↑](#footnote-ref-147)
148. *See, e.g., ibid.* actions 3.29(b)-(e) & 3.31. [↑](#footnote-ref-148)
149. Habitat II Istanbul Declaration, note 21 *supra*, ¶ 7. [↑](#footnote-ref-149)
150. Habitat II Agenda, note 21 *supra*, goals ¶ 29. [↑](#footnote-ref-150)
151. *Ibid.* ¶36. [↑](#footnote-ref-151)
152. Habitat II Plan of Action, note 21 *supra*, ¶ 136 (b). [↑](#footnote-ref-152)
153. *Ibid.* ¶137(a)-(d). [↑](#footnote-ref-153)
154. Rome Declaration, note 22 *supra*. [↑](#footnote-ref-154)
155. Rome Declaration Plan of Action, note 21 *supra*, ¶ 6. [↑](#footnote-ref-155)
156. *The Future We Want*, note 27 *supra*, ¶ 61. [↑](#footnote-ref-156)
157. *Ibid.* ¶ 111. [↑](#footnote-ref-157)
158. *Ibid.* ¶ 124. [↑](#footnote-ref-158)
159. Stockholm Declaration, note 1 *supra*, principle 1. [↑](#footnote-ref-159)
160. Report of the Conference on Population and Development, note 18 *supra*, principle 15. [↑](#footnote-ref-160)
161. World Summit for Social Development, note 19 *supra*, art. 26(f). [↑](#footnote-ref-161)
162. Habitat II Agenda, note 21 *supra*, goals ¶ 27. [↑](#footnote-ref-162)
163. OECD Council Recommendation on Transfrontier Pollution, note 2 *supra*, Title C. [↑](#footnote-ref-163)
164. Draft Articles on Transboundary Harm, note 23 *supra*, art. 15. [↑](#footnote-ref-164)
165. Draft Principles on Allocation of Loss, note 25 *supra*, principle 6(2). [↑](#footnote-ref-165)
166. WCED Legal Principles, note 9 *supra*, principle 13. [↑](#footnote-ref-166)
167. UNEP Draft Principles of Conduct, note 4 *supra*, principle 14. [↑](#footnote-ref-167)
168. 1987 Restatement (Third) on Foreign Relations, note 10 *supra*, § 602. [↑](#footnote-ref-168)
169. Bangkok Declaration, note 13 *supra*, preamble & Principles 1.6 & 1.7. [↑](#footnote-ref-169)
170. *Ibid*. [↑](#footnote-ref-170)
171. Rio Declaration, note 14 *supra*, principle 20. [↑](#footnote-ref-171)
172. Principles for Forest Development, note 16 *supra*, principle 5(b). [↑](#footnote-ref-172)
173. Report of the Conference on Population and Development, note 18 *supra*, principle 4. [↑](#footnote-ref-173)
174. World Summit for Social Development, note 19 *supra*, art. 7. [↑](#footnote-ref-174)
175. *Ibid.* arts. 16(g), 26(s). [↑](#footnote-ref-175)
176. Agenda 21, note 15 *supra*, art. 3.7(a). [↑](#footnote-ref-176)
177. *Ibid.* art. 24.2. [↑](#footnote-ref-177)
178. *Ibid.* art. 24.6. [↑](#footnote-ref-178)
179. Beijing Conference Platform of Action, note 20 *supra*, ¶ 56. [↑](#footnote-ref-179)
180. *Ibid.* ¶¶ 253-58. [↑](#footnote-ref-180)
181. *Ibid*. ¶ 251. [↑](#footnote-ref-181)
182. *Ibid.* ¶¶ 251-54. [↑](#footnote-ref-182)
183. *Ibid.* ¶¶ 80-83. [↑](#footnote-ref-183)
184. Habitat II, note 21 *supra*, preamble & **¶** 15. [↑](#footnote-ref-184)
185. Habitat II Plan of Action, note 21 *supra*, **¶** 136 (c). [↑](#footnote-ref-185)
186. *Ibid.* **¶** 141 (l). [↑](#footnote-ref-186)
187. Rome Declaration, note 22 *supra*, preamble & Objective 1.3. [↑](#footnote-ref-187)
188. Pan-American Charter, note 12 *supra*, preamble. [↑](#footnote-ref-188)
189. *The Future We Want*, note 27 *supra*, ¶ 31. [↑](#footnote-ref-189)
190. *Ibid. ¶* 45. [↑](#footnote-ref-190)
191. *Ibid.* ¶ 109. [↑](#footnote-ref-191)
192. Rio Declaration, note 14 *supra*, principle 21. [↑](#footnote-ref-192)
193. Agenda 21, note 15 *supra*, art. 25.12. [↑](#footnote-ref-193)
194. *Ibid.* arts. 6.23, 25.14(d). [↑](#footnote-ref-194)
195. Habitat II Agenda, note 21 *supra*, preamble **¶**13. [↑](#footnote-ref-195)
196. *Ibid. Objectives,* ¶¶ 120, 139(e). [↑](#footnote-ref-196)
197. *The Future We Want*, note 27 *supra*, ¶ 50. [↑](#footnote-ref-197)
198. *Ibid*. [↑](#footnote-ref-198)
199. Rio Declaration, note 14 *supra*, principle 22. [↑](#footnote-ref-199)
200. Nuuk Declaration, note 16 *supra*, principle 7. [↑](#footnote-ref-200)
201. Principles for Forest Development, note 16 *supra*, principle 5(a). [↑](#footnote-ref-201)
202. *Ibid.* [↑](#footnote-ref-202)
203. *Ibid*. principle 12(d). [↑](#footnote-ref-203)
204. Report of the Conference on Population and Development, note 18 *supra*, principle 14. [↑](#footnote-ref-204)
205. World Summit for Social Development, note 19 *supra*, art. 26(m) & Commitment 4(f). [↑](#footnote-ref-205)
206. Agenda 21, note 15 *supra*, art. 3.7(b). [↑](#footnote-ref-206)
207. *Ibid.* art. 26.3. [↑](#footnote-ref-207)
208. Beijing Conference Platform of Action, note 20 *supra*, arts. 32, 225. [↑](#footnote-ref-208)
209. *Ibid.* art. 256(a). [↑](#footnote-ref-209)
210. Habitat II, note 21 *supra*, objective 122. [↑](#footnote-ref-210)
211. Johannesburg Declaration, note 26 *supra*, art. 25. [↑](#footnote-ref-211)
212. *The Future We Want*, note 27 *supra*, ¶ 49. [↑](#footnote-ref-212)
213. *Ibid.* ¶ 58(j). [↑](#footnote-ref-213)
214. *Ibid.* ¶ 109. [↑](#footnote-ref-214)
215. Bangkok Declaration, note 13 *supra*. [↑](#footnote-ref-215)
216. *The Future We Want*, note 27 *supra*, ¶ 52. [↑](#footnote-ref-216)
217. Bangkok Declaration, note 13 *supra*, principle 1.8. [↑](#footnote-ref-217)
218. Stockholm Declaration, note 1 *supra*, principle 21. [↑](#footnote-ref-218)
219. Montreal Guidelines, note 8 *supra*, arts. 3, 15. [↑](#footnote-ref-219)
220. WCED Legal Principles, note 9 *supra*, principles 9, 10. [↑](#footnote-ref-220)
221. 1987 Restatement (Third) on Foreign Relations, note 10 *supra*, § 601(1)(a–(b). [↑](#footnote-ref-221)
222. European Environment and Health Charter, note 11 *supra*, *Entitlement and Responsibilities*, ¶ 5. [↑](#footnote-ref-222)
223. Rio Declaration, note 14 *supra*, principle 2. [↑](#footnote-ref-223)
224. Nuuk Declaration, note 17 *supra*, preamble. [↑](#footnote-ref-224)
225. *Ibid*. art. 3. [↑](#footnote-ref-225)
226. Stockholm Declaration, note 1 *supra*, preamble. [↑](#footnote-ref-226)
227. *Ibid*. principle 24. [↑](#footnote-ref-227)
228. OECD Council Recommendation on Transfrontier Pollution, note 2 *supra*, Title H. [↑](#footnote-ref-228)
229. World Charter for Nature, note 6 *supra*, principle 21(a). [↑](#footnote-ref-229)
230. Montreal Guidelines, note 8 *supra*, art. 5(a). [↑](#footnote-ref-230)
231. *Ibid*. art. 5(c). [↑](#footnote-ref-231)
232. Rio Declaration, note 14 *supra*, principle 14. [↑](#footnote-ref-232)
233. *Ibid.* principle 12. [↑](#footnote-ref-233)
234. Agenda 21, note 15 *supra*, art. 2.1. [↑](#footnote-ref-234)
235. Habitat II, note 21 *supra*, objective 144. [↑](#footnote-ref-235)
236. *Ibid.* objective 143. [↑](#footnote-ref-236)
237. Draft Articles on Transboundary Harm, note 23 *supra*, art. 4. [↑](#footnote-ref-237)
238. Johannesburg Declaration, note 26 *supra*, art. 35. [↑](#footnote-ref-238)
239. Stockholm Declaration, note 1 *supra*, principle 4. [↑](#footnote-ref-239)
240. Montreal Guidelines, note 8 *supra*, art. 2. [↑](#footnote-ref-240)
241. Principles for Forest Development, note 16 *supra*, principle 4. [↑](#footnote-ref-241)
242. Beijing Conference Platform of Action, note 20 *supra*, art. 246. [↑](#footnote-ref-242)
243. *The Future We Want*, note 27 *supra*, ¶ 158. [↑](#footnote-ref-243)
244. Pan-American Charter, note 12 *supra*, *Shared Responsibilities*. [↑](#footnote-ref-244)
245. *Ibid*. *Policy and Strategy Principles* [↑](#footnote-ref-245)
246. European Environment and Health Charter, note 11 *supra*, *Entitlements and responsibilities,* ¶ 6. [↑](#footnote-ref-246)
247. *Ibid.* *Entitlements and responsibilities,* ¶ 2. [↑](#footnote-ref-247)
248. Stockholm Declaration, note 1 *supra*, principles 1 & 2. [↑](#footnote-ref-248)
249. World Charter for Nature, note 6 *supra*, preamble. [↑](#footnote-ref-249)
250. WCED Legal Principles, note 9 *supra*, principle 2. [↑](#footnote-ref-250)
251. Bangkok Declaration, note 13 *supra*, preamble. [↑](#footnote-ref-251)
252. Rio Declaration, note 14 *supra*, principle 3. [↑](#footnote-ref-252)
253. Principles for Forest Development, note 16 *supra*, principle 2(b). [↑](#footnote-ref-253)
254. Nuuk Declaration, note 17 *supra*, preamble. [↑](#footnote-ref-254)
255. Report of the Conference on Population and Development, note 18 *supra*, preamble ¶ 1.2 & principle 3. [↑](#footnote-ref-255)
256. World Summit for Social Development, note 19 *supra*, art. 26(b). [↑](#footnote-ref-256)
257. Beijing Conference Plan of Action, note 22 *supra*, art. 248. [↑](#footnote-ref-257)
258. Habitat II, note 21 *supra*, goals ¶ 32. [↑](#footnote-ref-258)