Index

Abbott, F. 382
Addo, M. 224, 227
Adger, W. 22
Aeck, M. 329
Africa
  FDI, land acquisition and food security 63–4
  and GMO 101
  governance and democratic structures, weak 42–3
  MNCs’ development role and poverty alleviation 231
  see also individual countries
Ago, R. 99, 100
Alexander, G. 330
Allee, T. 259
Alston, P. 227
Amnesty International 115
Amoco 70, 71
Anderson, K. 254
Anderson, M. 133, 270
Anghie, A. 13, 15
Angola 63, 114, 115, 124, 127
Antarctic Treaty 88, 182–3
Anuradha, R. 389
Aoki, K. 379, 380
Appleton, A. 121
Arenas, L. 248
Argentina 149
  Aguas v. Argentina cases 156, 324
  Pulp Mills on the River Uruguay (Argentina v. Uruguay) 88, 101
Arnstein, S. 151
ASEAN 98, 142–3, 156, 203–4, 206–9, 243
Asia
  irrigation projects, community-managed 24–5
  land acquisition and food security 63–4
  see also individual countries
Attard, D. 369
Australia 95, 208–9
  Australia – Salmon 155
  forum non conveniens principle 280
  legal aid 166
  Nuclear Tests Case (Australia v. France) 87, 99
Austria 162, 302, 360
Ayes, I. 55
Baker, J. 260
Banisar, D. 162
Bannon, I. 124, 125, 128
Barnes, R. 9, 67
Barnet, R. 218
Barton, B. 104, 106, 324
Bates, B. 303
Baughen, S. 206
Baxi, U. 164, 227, 279
Bayer 225
Bayliss, K. 322, 323
Bedjadjou, M. 48, 49
Belize, Maya Indigenous Community v. Belize 15–16, 145
Bender, E. 373
Bhagwati, J. 36
Bigge, D. 225
biological resources 365–98
  access and benefit sharing (ABS) 375–9
  biopiracy and genetic resources 388–91, 395
  and Bonn Guidelines 378, 379, 384
  conservation and sustainable use 369–71
  global genetic diversity, reduced 374
  and globalisation 373–91
  intellectual property rights and traditional knowledge 379–91
  international arrangements and IPRs 385–6
Globalisation and natural resources law

international mechanisms regulating biodiversity 366–73, 376–7, 381 and MNC patent rights 373
national agreements 378–9, 382
privatisation of genetic resources 388–91
and regional agreements 376–7
sharing of benefits, fair and equitable 371–3, 375
and sovereignty 368–9, 372–3, 375
states parties and biotechnological research 372, 393
and traditional knowledge see traditional knowledge
WSSD Johannesburg Declaration and biodiversity loss 365–6, 377
WTO, and TRIPS 382–6, 391, 392
Black, J. 105
Bodansky, D. 183
Boer, B. 166
Bolivia
Betchev v. Bolivia 260–61
bilateral investment treaty with Netherlands 325
COMSUR complaint 190
environmental protection 149
indigenous peoples' rights 78
Borzel, T. 271, 273
Bowyer, C. 362
Boyle, A. 76, 93, 134, 145
see also Birnie, P.
Boyle, G. 330, 332, 333
BP 224, 228, 268–9
Braithwaite, J. 24, 55, 274
Brazil
Ammaggi case 191
environmental protection 95, 149
natural resource use and pollution 41–2
traditional knowledge and IPRs 382
Yanomai v. Brazil 145
Brennan, B. 89–90
Brower C. 68
Brown, G. 333
Brown Weiss, E. 94, 100
Brownlie, I. 72, 99, 257, 266
Bruch, C. 164
Brueschke, J. 68
Brunnee, J. 89, 90, 91
Brush, S. 391
Brysk, A. 246
Budds, J. 322, 323, 325
Burma, Doe v. Unocal 278, 279
Cabraal, A. 343
Calvo doctrine 61, 71, 72–3
Canada
emissions trading scheme (ETS) 346
Multilateral Agreement on Investments (MAI), protests against 242
NAFTA 205–6
Trail Smelter Arbitration 12, 87, 88, 264
carbon dioxide emissions see emissions
Carbon Partnership Facility, World Bank 353–4
Cardwell, M. 59
Carley, M. 129
Carnwarth QC, R. 166
Casey-Lefkowitz, S. 157
Casselman, B. 285
Cassels, J. 164, 279
Cassese, A. 9
Chambers, R. 227
Chambers, W. 307
Charlton, A. 58, 197, 201, 202, 206
Chayes, A. 239
Chevron 223, 281, 284–5
Chile
Claude-Reyes et al. v. Chile 160
and compensation for nationalisation 71
IMF and FDI 195
Chimni, B. 37
China 19, 149
and ASEAN 206–7, 208
carbon dioxide emissions 337
natural resource use and pollution 41–2
poverty rate 38
Renewable Energy Development project 353
renewable energy use 337
stakeholder guidelines 115
Christensen, J. 347
Index

Christie, I. 129
Churchill, R. 133
Clapham, A. 220, 276
Clean Development Mechanism
(CDM) projects 20, 121, 329–30, 346, 347–8, 353
climate change, and renewable energy 343–50
Collier, P. 86, 101, 124, 125, 128
Colombia 149, 247–8
compliance and sustainable use of resources 251–87
diplomatic protection and international investment disputes 257–8
EU law, compliance by member states with 270–73
forum non conveniens principle 278, 279, 280
and immunity of jurisdiction 258
International Centre for the Settlement of Investment Disputes (ICSID) 258–61
international corporate responsibility 273–6
international investment disputes 257–61
MNCs and compliance at national and international levels 273–85
MNCs, litigation in national courts against 276–85
MNCs, state responsibility for acts committed 264–70
state compliance 252–70
state responsibility 263–70
transboundary harm, state responsibility for 264
transboundary regimes and treaty compliance 261–3
WTO Dispute Settlement System and state compliance 253–6
Concannon, T. 310
Conceicao, P. 80, 81
Congo
Democratic Republic of Congo v. Uganda 265
Difushi Copper Silver Mine project 191
Congyan, C. 64, 65
Coombe, R. 374, 388, 391, 393
Cordonnier-Segger, M. 51, 93, 97
Costa Rica
Biodiversity law 386
debt-for-nature programmes 119–23
Cottier, T. 256
Craig, D. 23
Crawford, J. 67, 76, 134, 136, 266
Crook, C. 194
Daily, G. 117
Darfur, natural resources and conflict 86, 125
Davies, I. 230
De Souza Santos, B. 37, 55, 56, 245
DeGeer, M. 388
Denmark, carbon dioxide taxation 110
Dernbach, J. 45
developing countries
agricultural subsidies 42, 202
biological resources and access and benefit sharing (ABS) 375–9
and Clean Development Mechanism 20
colonisation and natural resources 39–42, 67–8, 69–70
and common heritage of mankind 89–90
developed countries responsibility for environmental damage 102–4
energy needs, increasing 41
FDI see FDI
Global Environmental Facility (GEF) 79–81, 324, 341
and global governance 209–10
governance and democratic structures, weak 42–3
and IMF 6, 194
infrastructure, lack of 58
legal aid 166–7
Millennium Development Goals 53, 58–60, 341
and MNCs, concerns over 216
and participatory governance 23–5
poverty and inequality 37–45
and precautionary principle 101
procedural routes, domestic courts 164–7
renewable energy 335, 336–8, 339–40, 344, 349
Globalisation and natural resources law

sovereignty, permanent 67–8, 73–6, 97, 135–6, 173
trade barriers 58
traditional knowledge see traditional knowledge
and water resources 293
see also individual countries
Devlin, R. 65–6
Diamond, J. 39, 82
Diamond, L. 235
Diao, X. 110
Dine, J. 107, 227
Divan, S. 164, 320
Dolzer, R. 61, 72, 259
Donahue, J. 55
Donnelly, A. 163
Drahos, P. 24
Drumbl, M. 1
Dubreuil, C. 321
Ducry, O. 325
Dunning, J. 214
Durst, P. 24, 25
Duruigbo, E. 15, 16
Dutfield, G. 368, 388–9

Ebbesson, J. 21, 150, 162
Ecuador 149
and Chevron 223, 281, 284–5
ICSID rejection 260
Sarayaku community 78
Ehrenfeld, D. 374
Eide, A. 334, 336, 362
Elliott, L. 177
Ellis, H. 224, 269
emissions 112, 337
and biofuels 112
and carbon credits (CERS) 347
and renewable energy 336, 337, 341, 342–50, 358–62
and taxation 109–10
trading 108, 346, 346–7
environmental impact assessment (EIA) 23–4, 143, 156, 161, 162–4, 190, 273
Ericsson, Growing Sustainable Business (GSB) initiative 232
Estonia, renewable energy 347
Esty, D. 129, 178, 179, 180, 236–7
Ethiopia, traditional knowledge and IPRs 382

EU
Barcelona Traction case 258, 265–6
biofuel concerns 359, 361–2
Brussels Declaration 342–3
Citizens First 272–3
Costa v. ENEL 10
EC – Biotech dispute 255
emissions trading scheme (ETS) 108, 346–7
Environmental Impact Assessment Directive (EIA) 273
environmental law enforcement, and state compliance 270–73
European Communities – Measures affecting Asbestos 255, 256, 357
European Court of Human Rights 50, 269
Fadeyeva v. Russia 146
forum non conveniens principle 278, 279, 280
GMO Directive 22–3, 101
Guerra and Others v. Italy 146, 160, 269
Hatton v. UK 146, 148, 160
human rights and water 311–14
institutional structure 203, 204–5
Kyrtatos v. Greece 146
Lopez-Ostra v. Spain 146, 160, 311
Matthews v. United Kingdom 50
MNCs, early concerns over 216–17
NGOs and dispute resolution 239–40
Öneryildiz v. Turkey 146
Owusu v. Jackson 278, 280
and precautionary principle 100–101
renewable energy and GHG emissions 342–3, 358–62
Renewable Energy Road Map and Directives 359–61
renewable energy transfers 360–61
Robert Schumann Project 273
sovereignty, surrender of absolute 10–11
Taskin v. Turkey 146
Zander v. Sweden 311
see also individual countries
Everett, B. 333

Elena Blanco and Jona Razzaque - 9781849808668
Downloaded from Elgar Online at 03/01/2019 03:20:11AM
via free access
Index

Falk, R. 172, 175, 176
FDI
and equitable benefit sharing 73
land acquisition and food security 63–4
and natural resources control, tensions between 69–73
regulation 60–65
resistance, US 69
restrictions 42, 43
Finland
carbon dioxide taxation 110
renewable energy targets 360
Fisse, B. 274
Fitzmaurice, M. 134, 145, 160, 298, 323, 325, 326
Flavin, C. 329, 332, 335, 336, 338, 339
Fleming, C. 354
Forest Stewardship Council (FSC) 113–15, 241
Foti J. 23
France
Lac Lanoux Arbitration 12, 87, 88
Nuclear Test case (New Zealand v. France) 89
Nuclear Tests Case (Australia v. France) 87, 99
Francioni, F. 182, 269–70
Freemand, J. 55
Freestone, D. 93, 182, 346
French, D. 80, 93, 94, 102, 103, 104, 173, 274
Friedman, T. 36
Frynas, J. 223
Fulford, A. 165
G-8, Gleneagles Communiqué 343–4
Gallagher, N. 61
Garnish, J. 333
Garza, C. 75
Gee, A. 75
Germany, carbon dioxide taxation 110
Gill, S. 56
Gillespie, A. 141
Gilpin, R. 215
Glasson, J. 162
Gleick, P. 119, 298
Global Environmental Facility (GEF) 79–81, 184, 238, 324, 341, 349, 354
Global Environmental Mechanism (GEM) proposal 179–80
global governance and sustainable natural resource management 171–211
definition of global governance 54–6
developing countries 209–10
and financial crisis (2008–9) 172–3
G-8 involvement 174
international financial institutions 185–96
international financial institutions, future of 195–6
and international institutions 174–84
and nation states 171–4
Tobin tax 177
regional institutions 203–9
UN, specialised agencies and programmes 176–81
globalisation
anti-globalisation movement 38
bilateral investment treaties (BITs) 11, 61–5, 73, 258, 267
and biological resources 373–91
and Brundtland Commission report 46, 93, 95
and civil society 241–3
colonisation and natural resources 39–42, 67–8, 69–70
definition 35–6
development 45–53
and development rights 47–50
and economic governance 56–65
and economic growth 36–7, 50–51
environmental governance 57–65
environmental governance, lack of 34
Global Resource Dividend (GRD) 81–2
and governance structure, participatory 20–25
history of 5–7, 35–9, 46
and human development 46–7, 51–3
and indigenous peoples 245–8

Elena Blanco and Jona Razzaque - 9781849808668
Downloaded from Elgar Online at 03/01/2019 03:20:11AM
via free access
international standards and Calvo doctrine 72–3
investment dispute enforcement 62
and market balance 57
natural resource governance 65–82
natural resources as global public goods 79–82, 120
and natural resources ownership 13–16
New International Economic Order (NIEO) 47
and poverty see poverty
and sovereignty see sovereignty
and sustainable development see sustainable development
transboundary natural resources 12–13, 87, 92–3
and water resources 291–5
Glowka, L. 371
Goldemberg, J. 330, 337
Goldin, I. 33, 35, 37, 42
Goodwin, R. 274
Goudie, J. 165
Grafton, R. 65–6
Grant, M. 166
Graus, W. 330
Greece, Kyrtatos v. Greece 146
Guehenno J. 172
Gupta, J. 40, 374
Guruswamy, L. 365
Haas, P. 236
Hall, D. 323, 325
Hancock, J. 15
Handl, G. 141, 142
Handler, A. 239
Hardin, G. 89
Harris, P. 42
Hawkins, S. 337
Hayden, T. 17
Haysom, N. 15
Heal, G. 117, 120
Helms, D. 108
Henson, R. 83
Hey, E. 80
Higgins R. 171
Hills, J. 21
Hirst, P. 172
Hodas, D. 118
Hoekman, B. 201
Holder, J. 156, 162, 271
Honduras, Velasquez Rodriguez case 269
Hoogwijk, M. 330, 332, 333
Howse, R. 256, 355, 356, 357
human rights
entrepreneurialism 222–4
Human Rights Unit (HRU) (UN), suggestion for 228–9, 283
Inter-American Commission on Human Rights 77–8, 145, 160, 248, 269, 311
International Council on Human Rights Policy (ICHRP) 111–12
and provisioning ecosystem services 118–19
violations, and MNCs 220, 228, 267–9, 274–83
and water 297–300, 311–14
Humphreys, M. 124, 125
Hungary, Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) 13, 67, 264
Hunter, D. 155
Hunter, M. 259
Iceland, Icelandic Fisheries Cases 97, 99
ICJ (International Court of Justice) 13, 239–40
Barcelona Traction case 258, 265–6
Certain Phosphate Lands in Nauru 102
Democratic Republic of Congo v. Uganda 265
Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) 13, 67, 264
Icelandic Fisheries Cases 97, 99
Nicaragua v. United States of America 265, 267
Nuclear Test case (New Zealand v. France) 89
Nuclear Tests Case (Australia v. France) 87, 99
IMF (International Monetary Fund) 5 – 6
and conditionality 194
criticism of 194 – 5, 196
and developing countries 6, 194
financial market regulation, lack of 209
functions and mandate 193 – 4
future of 196
monitoring of fund arrangements (MONA) database 196
monopoly position 195, 196
and Washington Consensus 56 – 7
and water projects 322, 324
see also International Financial Institutions (IFIs); World Bank

India
Charan Lal Sahu v. Union of India 318
Community Forestry Projects, Nepal 24
F.K. Hussain v. Union of India 318
Global Environment Facility (GEF) 354
groundwater abstraction and Coca-Cola Company 317 – 18
Joint Forest Management Scheme 24, 161
law of tort 277
M.C. Mehta v. Union of India 318
Narmada Project 188 – 9, 190
natural resource use and pollution 41 – 2
public interest litigation (PIL) 164 – 5
right to water 316 – 17
Subhash Kumar v. State of Bihar 318
traditional knowledge and IPRs 382
Union Carbide Corporation Gas Plant Disaster 279 – 80

indigenous peoples
and FDI 64
and globalisation 245 – 8
and land tenure 15 – 16, 76 – 7, 78 – 9
and legal framework for natural resource management 134 – 5, 137, 145
Maya Indigenous Community v. Belize 15 – 16, 145
Mayagna (Sumo) Awas Tingni Community 145, 265, 311

natural resource governance 73 – 9
Ogoniland (Center for Economic and Social Rights v. Nigeria) 16, 146, 147 – 8, 160
and pricing environmental goods 107 – 8
Saramaka People v. Suriname 145
Sawhoyamaxa Indigenous Community v. Paraguay 145 – 6
threat to, and MNCs 245 – 8
U’wa people, Colombia, rights of 247 – 8
Yakye Axa Indigenous Community v. Paraguay 145
Yanomai v. Brazil 145
see also individual countries

Indonesia
Global Environment Facility (GEF) 354
Indonesia-Wilmar audit 192
intellectual property rights and international arrangements 385 – 6
and traditional knowledge 379 – 91
Intergovernmental Panel on Climate Change (IPCC) 19, 43, 303 – 4
International Centre for the Settlement of Investment Disputes (ICSID) 11, 62, 65, 72, 73, 155 – 6, 186 – 7, 189, 220, 240, 258 – 61
Additional Facility 259 – 60
Aguas v. Argentina cases 156, 324
Betchel v. Bolivia 260 – 61
Biwater v. Tanzania 260 – 61
criticism of 260
World Bank relationship 260
international corporate responsibility 273 – 6
International Financial Institutions (IFIs) 42, 50, 185 – 96
see also IMF; World Bank
international institutions 174 – 84
and renewable energy 352 – 8
and water resources 322 – 4
international investment disputes 257 – 61
International Labour Organisation (ILO) 134 – 5, 137, 236, 376, 393 – 4
International Law Association (ILA) 13, 70, 141, 295 – 6
Globalisation and natural resources law

International Law Commission (ILC) 142, 266–7
International Seabed Authority (ISBA) 182
Iran 149
Ebrahimi v. Iran 71
INA Corporation v. Iran 72
Iran–US Claims Tribunal 68, 71
Irschan, B. 89–90
Italy
Costa v. ENEL 10
Guerra and Others v. Italy 146, 160, 269
Jacobs, M. 107, 108
Japan
3R Initiative 19
emissions trading scheme (ETS) 346
Japan – Alcoholic Beverages II 357
Jeffrey QC, M. 167
Jenkins, R. 221–2
Jessup de Arechaga, E. 68
Johansson, T. 330, 339
Jong-Il You 194
Joseph, S. 277
Kaika, M. 315
Kane, S. 15
Kapur, D. 194
Karl, J. 350, 351
Kaul, I. 79, 80, 81
Kennedy, D. 5, 175
Khalfan, A. 41, 93, 97
Kheng-Lian Koh 208
Khor, M. 387
Kibel, P. 206
Kinley, D. 227
Kiss, A. 103
Klein, N. 241, 242
Korten, D. 216
Koskenniemi, M. 93, 262
Kothari, A. 389
Kramer, L. 11
Krchnak, K. 321
Kuwait, Kuwait v. Aminoil 70, 71
Laird, S. 57
Lammers, J. 15
Lamy, P. 200, 309
Langford, M. 316
Langhelle, O. 95
Langton, S. 152
Larkin, S. 334
Latvia, renewable energy targets 360
Le Billon, P. 125, 127, 128, 230
Lee, M. 23, 204, 271
legal framework for natural resource management 131–68
constitutions and national legislation 162–4
drinking water rights 138
general protection of natural resources 135–7
human rights treaties and procedural rights 153
and indigenous peoples 134–5, 137, 145
international level, substantive discussion at 135–42
judicial review challenges 165–6
legal aid 166–7
national law, procedural rights in 161–7
national level rights 149–50
participation rights 150–52
procedural rights 150–67
procedural routes domestic courts 164–7
public interest litigation (PIL) 164–5
_public participation at international level 152–5
regional agreements 142–4
and regional courts 145–8
regional law, procedural rights in 156–60
regional level rights 142–8
rights-based approach 132–7
self-determination (collective) rights 133–5
specific resource protection 137–8
substantive rights 132–50
transboundary resource protection see transboundary resource protection
Legum, B. 259–60
Liberia, conflict diamonds 126–7
Libya
BP v. Libya 68
publish what you pay (PWYP) campaigns 230
regulation of 217–20
rights-sensitive branding and certification 286
rise of 215–17
sovereignty concerns 216
state responsibility for acts committed 264–70
state responsibility for acts committed by 264–70
and sustainable responsible investment (SRI) 213, 235
and UN Global Compact 224–6
UN Human Rights Unit (HRU), suggestion for 228–9, 283
UN Norms on responsibilities of 227–9
and voluntary codes of conduct 221
and water resources 291
World Court of Human Rights, suggestion for 228, 283
Mossman, K. 100
Mrema, E. 164
Mtisi, S. 320
Muchlinski, P. 214, 216–17, 218, 219, 226, 234, 241, 257, 259, 277, 278
Muller, R. 218
Narlikar, A. 197, 198, 254
nation states, and global governance 171–4
national level agreements, and biological resources 378–9, 382
court litigation against MNCs 276–85
management, and water resources 315–22
procedural rights in 161–7
rights 149–50
see also public participation at international level; regional level
nationalisation and compensation 71–2
and sovereignty 60–61, 68, 70–71
natural resource management, principles and approaches 85–130
and abuse of rights 99–100
biofuel subsidies 112
carbon dioxide taxation 109–10
command and control regulation 106–7
common areas 88–92
and cultural rights 107–9
development and conflict 123–8
ecosystem services definition 116–18
ecosystem services, payments for 119–22
greenhouse gases, tradable rights 108
incentives and management 109–11
and international watercourses 87
ISO 14000 and environmental management 115–16
management approaches 104–16
management principles 92–104
marine resources and sustainable use 90, 97, 98, 111, 182
market-based legal instruments 107–9
MNCs and conflict resources governance 128
natural resources classification 86–92
payment for ecosystems (PES) 119–22
precautionary principle 100–101
pricing environmental goods 107–9
principle of common but differentiated responsibilities 101–4
provisioning ecosystem services and human rights 118–19
reasonable use and equitable utilisation 99–100
recent trends 5–25
regulation history 105
and resource curse 124–8
shared natural resources, regulation of 87–8
stakeholder guidelines 115–16
subsidies as incentive 110–11, 112
sustainable development and natural resource management 93–7
sustainable use 97–9
taxation incentives 109–10, 122–3
tradable property rights 107–9
tropical forests and sustainable use 98
voluntary approaches and decentralised regulation 111–16, 128
voluntary certification schemes 113–15
wealth distribution and natural resources, correlation between 124–8
and World Bank 187–90
Nauru, Certain Phosphate Lands in Nauru 102
Nayyar, D. 54, 187, 195, 209, 244
Nepal, World Bank Community Development Carbon Fund 353
Netherlands
bilateral investment treaty with Bolivia 325
carbon dioxide taxation 110
New Economics Foundation, Happy Planet Index (HPI) 45
New International Economic Order (NIEO) 5, 47, 102, 175, 219, 226
New Zealand
and ASEAN Free Trade Area 208–9
Nuclear Test case (New Zealand v. France) 89
Newell, P. 213, 240, 278
NGOs
and civil regulation 240–41
and dispute resolution 239–40, 248
and domestic courts 164
international level participation 155, 158
participation in regulation and compliance 235–40
regional level participation 160
and treaty compliance 238–9
Nicaragua
The Mayagna (Sumo) Awas Tingi Community v. Nicaragua 15, 77–8, 311
Nicaragua v. United States of America 265, 267
Nicol, A. 320
Nigeria
Bowoto v. Chevron 283
Ogoniland (Center for Economic and Social Rights v. Nigeria) 16, 146, 147–8, 160, 221, 223, 278, 282–3, 311
oil spills 223
stakeholder guidelines 115
Nike, and consumer protests 242
Nino, C. 261
Nye, J. 55
Oberthür S. 324
O’Connell, D. 257
OECD
and climate change 344
Environment and Officially Supported Export Credits 234
mining resource efficiency 20
MNC Guidelines 219, 226–7, 229–30
Multilateral Agreement on Investment (MAI) 62, 242
O’Gara, R. 149
oil production
and corporate social responsibility 222–3
and OPEC 73, 74–5
see also Amoco; BP; Chevron; Oxy; Shell; Texaco
Okonta, I. 223
Okowa, P. 12, 76, 92
Opschoor, H. 51, 190
Orford, A. 47
Oshionebo, E. 226
Osloas, H. 133
Ostrom, E. 24, 25, 109
Ostrovksy, A. 310
Ottenger, R. 330
Oxy, and U’wa people, Colombia 247–8
Pachauri, R. 19, 303
Page, B. 315
Pakistan, renewable energy and GHG emissions 342
Globalisation and natural resources law

Pannatier, S. 325
Paraguay
Sawhoyamaxa Indigenous Community v. Paraguay 145–6
Yakye Axa Indigenous Community v. Paraguay 145
Peinhardt, C. 259
Perrez, F. 12
Perry, E. 21
Peru 149
Constitutional Court v. Peru 160
Petersmann, E. 200, 226
Petkova, E. 151, 162
Philippines
Community-based Coastal Resource Management project 24–5
Global Environment Facility (GEF) 354
Oposa v. Factoran 150
Plant Variety Protection Act (PVP Act) 383
traditional knowledge and IPRs 382, 383
Piron, L. 49
Pogge, T. 35–6, 40, 81
Poland, River Oder Case 12, 87, 139
poverty
alleviation, and sustainable development 94
and globalisation 33–4, 37–53, 58–9, 81
and inequality 37–9, 46, 58–9, 81
MNCs’ development role and poverty alleviation 230–31
and World Bank 38, 43
Poznan Strategic Programme on Technology Transfer 348–9
Prakash Sethi, S. 111
Prince, P. 280
Pring, C. 167
Pring, G. 131, 167
privatisation
of genetic resources 388–91
and water resources 291, 309–10, 321–2, 323–4, 325–6
Prosper, T. 106
public interest litigation (PIL) 164–5
public participation at international level 152–5
see also national level; regional level
Ratner, S. 216, 217, 261, 265, 270, 274–5
Raustiala, K. 249
Rawlings, R. 271, 273
Redfern, A. 259
Redgwell, C. 133
see also Birnie, P.
Reed, L. 259
regional level
agreements 142–4, 376–7
courts 145–8
institutions 203–9
management, and water resources 311–15
NGO participation 160
procedural rights in 156–60
rights 142–8
see also national level; public participation at international level; state responsibility
Reinert, K. 33, 35, 37, 42
Reinsisch, A. 50
Reisinger, A. 19, 303
renewable energy 328–64
biofuel subsidies 112, 336, 355
biofuels and sustainability 112, 334, 338, 359, 361–2
biomass 333–4
and Bonn and Beijing Declarations 341–2
Brussels Declaration 342–3
and carbon credits (CERS) 347
Clean Development Mechanism (CDM) projects 20, 121, 329–30, 346, 347–8, 353
clean energy 335–6
and climate change 343–50
developing countries 335, 336–8, 339–40, 344, 349
and emissions see emissions energy access 336–8
and energy security 335
energy taxes 355, 356–7
EU 342–3, 358–62
and financial incentives 336
G-8, Gleneagles Communiqué 343–4
geothermal energy 333
Global Environmental Facility (GEF) 79–81, 184, 324, 341, 349, 354
hydropower 331
and international institutions 352–8
international standards 355
Joint Implementation (JI) programmes 346, 347
and Millennium Development Goals 51–3, 58–60, 79, 85–6, 341
negative environmental impacts 336
Poznan Strategic Programme on Technology Transfer 348–9
Renewable Energy Road Map and Directives, EU 359–61
and soft law 338–43
solar and wind power 331–3, 338
sources as natural resources 330–34
and sustainable development 334–8, 339–42, 343–4
Washington International Action Programme 342
and World Bank 353–4
and World Trade Organisation 355–8
Rich, R. 48
Richardson, B. 151–3, 164, 165–6, 235
Ripinski, S. 237
Robbins, A. 117
Rodgers, C. 59
Rodriguez, J. 123
Rodriguez-Garavito, C. 37, 55, 56, 215–16, 245, 248
Rosemann, N. 323
Rosencranz, A. 164, 320
Rosenthal, E. 41
Ross, M. 124
Rowell, A. 224
Ruggie, J. 62, 226, 228, 235
Russia 
Fadeyeva v. Russia 146
Sachs, J. 37, 42
Safadi, R. 57
Salzman, J. 111, 119, 120
Samoa, traditional knowledge and IPRs 386–7
Sampson, G. 198
Sands, P. 24, 93, 95, 99, 104, 138, 155, 212, 345, 346, 366
Sandwith, T. 140, 141, 144
Sarman, L. 388
Sassen, A. 242
Sauve, R. 236
Scanlon, J. 298, 311
Schlager, E. 109
Schneiderman, D. 61, 241, 242
Scholte, J. 35
Schreuer, C. 61, 187, 259
Schrijver, N. 9, 14, 16, 67, 68, 69, 70, 72, 75, 76, 87, 90, 135, 136, 173
Schwartz, P. 127
Scovacci, T. 182
Selznick, P. 105–6
Sen, A. 21, 46
Shaw, M. 9
Shell, Ogoniland (Center for Economic and Social Rights v. Nigeria) 16, 146, 147–8, 160, 221, 223, 278, 282–3, 311
Shelton, D. 43, 132, 133, 311
Shemberg, A. 62
Shiva, V. 387, 388
Shore, L. 61
Sierra, K. 41
Sierra Leone
conflict diamonds 126–7
resource access and violence 125–6
Simmons, P. 218, 265, 266, 267
Slovakia, Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) 13, 67, 264
Smagadi, A. 368, 370
Smaller, C. 64
Smith, K. 223
Solomon, M. 47, 48, 49, 50
Sorabjee, S. 164
Soros, G. 124
South Africa 149
Kimberley Process Certification Scheme (KPCS) 113, 114
Lubbe v. Cape plc 277, 280
right to water 316
Southern Africa, Hoodia plant, San people and biopiracy 389, 390
Southey, H. 165
Souza Santos, B. 215–16
sovereignty
and biological resources 368–9, 372–3, 375
harmful effects 364–5
and national laws 340–41
and legal changes 341–42
and natural resources 334–8
and soft law 338–43
and technology transfer 348–9
and sustainable development 334–8, 339–42
and common concern of natural resources 91–2
and FDI see FDI
gunboat diplomacy 72
and indigenous peoples see indigenous peoples
international standards and Calvo doctrine 61, 71, 72–3
and MNCs 216
and nationalisation 60–61, 68, 70–71
nationalisation and compensation 71–2
and natural resources ownership 13–16, 67–8
permanent 67–8, 73–6, 87, 135–6, 173
and regional organization membership 10–11
and sovereign state acts 11
surrender of absolute, EU 10–11
and sustainable development 95, 98
and transboundary natural resources 12–13
Spain
 Barcelona Traction case 258, 265–6
Lac Lanoux Arbitration 87, 88
Lopez-Ostra v. Spain 146, 160, 311
Speth, J. 35
Spiro, P. 235, 236, 237–8
Spyke, N. 152–3
Sri Lanka, Asian Agricultural Products v. The Republic of Sri Lanka 72
Ssenyonjo, M. 394
state responsibility
compliance and sustainable use of resources 263–70
and foreign sovereignty 10
for MNC acts committed 264–70
states parties and biotechnological research 372, 393
and sustainable development 252–70
and water resources 299–300
see also regional level
Stec, S. 157
Steele, J. 22
Steiner, H. 227
Steiner, J. 205
Steinhhardt, R. 222, 286
Stephens, T. 94
Stern, B. 173
Stern, N. 328, 329, 336
Stewart, R. 106, 107
Stiglitz, J. 6–7, 34, 37, 40, 42, 46, 54, 57, 58, 59, 69, 109, 130, 187, 194, 195, 196, 197, 201, 202, 206
Strange, S. 218, 249
Strauss, A. 176
Streck, C. 346
Street, P. 323
Subedi, S. 70
subsidies
biofuel 112, 336, 355
as incentive 110–11, 112
substantive rights 132–50
Supperstone, M. 165
Suriname, Saramaka People v. Suriname 145
Sussman, E. 350
sustainable development
Brundtland definition 93
compliance and sustainable use of resources see compliance and sustainable use of resources
conservation and sustainable use, biological resources 369–71
and economic development 96
flexibility of 94–5
and global governance see global governance and sustainable natural resource management
and international law 95
and natural resource management 93–8
and poverty alleviation 94
and precautionary principle 100–101
principles and approaches 97–9
and renewable energy 334–8, 339–42, 343–4
and resource efficiency 16–20
right 50–51
and sovereignty 95, 98
and state compliance 252–70
and sustainable responsible investment (SRI), and MNCs 213, 235
sustainable use 97–9
three pillars of 94
WSSD Johannesburg Declaration 365–6, 377
Swart, L. 21
Index

Sweden
  carbon dioxide taxation 110
  renewable energy targets 360
  Zander v. Sweden 311

Sweeney, J. 105
Szabo, M. 348

Tallberg, J. 270
Tanzania
  Biwater v. Tanzania 189, 260–61
  rural ICT 232–3
  water privatisation 189
Tarlock, D. 95, 100
taxation incentives 109–10, 122–3
Taylor, D. 332
Teubner, G. 55
Texaco 68, 70, 71, 257, 284–5
Thailand, Global Environment Facility (GEF) 354
Tilleman, W. 163
Tobin, J. 177
tradable property rights 107–9
traditional knowledge
  and depletion of biodiversity 387–8
  and human rights 391–7
  sharing of 373–5, 379–82, 386–7
transboundary resource protection
  12–13, 87, 92–3, 138–42
  protected areas definition 140–41
  and treaty compliance 261–3
Treves, T. 240
Trubeck, D. 173
Tunisia, Global Environment Facility (GEF) 354
Turkey
  Lozidou v. Turkey 265
  Öneryildiz v. Turkey 146
  Taskin v. Turkey 146
Tushie, D. 204
Tvedt, M. 378

Uganda 149
  Democratic Republic of Congo v. Uganda 265
  renewable energy and GHG emissions 342

UK
  The Atlantic Star 280
  Bismuth Carbon Steel Products (US v. UK) 155
  BP and Baku–Ceyhan project 268–9
  Environmental Information Regulations 162
  forum non conveniens principle 280
  Hatton v. UK 146, 148, 160
  Icelandic Fisheries Cases 97, 99
  Lubbe v. Cape plc 277, 280
  MacShannon v. Rockware Glass Ltd 280
  Matthews v. United Kingdom 50
  Pacific Fur Seals arbitration 93
  renewable energy targets 360
  Rylands v. Fletcher 277
  Spiliada Maritime Corp. v. Cansulex Ltd 280
Ulfstein, G. 183, 184

UN
  Charter of Economic Rights and Duties of States (CERDS) 61
  Conference on Environment and Development (UNCED) 80, 154
  Declaration on the Right to Development (DRD) 48–50
  Declaration of Rights of Indigenous Peoples (UNDRIP) 64, 78–9, 134, 137, 153, 376–7, 381, 393–4, 395–7
  Doha Ministerial Declaration 58–60
  Global Commission on International Migration (GCIM) 244
  Global Compact 224–6
  Human Rights Unit (HRU), suggestion for 228–9, 283
  Millennium Ecosystem Assessment (MEA) 116, 117–18, 294
  and MNCs, concerns over and regulation 216, 219
  New International Economic Order (NIEO) 5, 47, 102, 175, 219, 226
  Norms on responsibilities of MNCs 227–9
  Permanent Forum on Indigenous Peoples 86
  reforms 175–6
Resolution 1803 14–16, 67–8, 70–72, 76, 136
specialised agencies and programmes 176–81
water as public good 292–7
UN Conference on Trade and Development (UNCTAD) 181, 236
UN Food and Agriculture Organisation (FAO) 178, 180, 382, 385, 392
UNDP (Development Programme) 21, 38
civil society involvement 238
Global Environmental Facility (GEF) 184
Growing Sustainable Business (GSB) initiative 232
Human Development Reports (UNHDR) 46–7
MNC partnerships 231
overview 180
UNDP–UNEP Poverty – Environment Initiative (PEI) 44–5
UNEP (Environment Programme)
Agenda 21 and energy 339
civil society involvement 238
collaboration with other agencies 178
criticism of 178–9
Global Environmental Facility (GEF) 184
Life Cycle Initiative 19
and Millennium Development Goals 52–3
overview 176–80
shared resources definition and guidelines 87, 88, 139–40
sustainable development and sovereignty 95
UNDP–UNEP Poverty – Environment Initiative (PEI) 44–5
water management 324
Universal Declaration of Human Rights (UDHR) 118–19, 153, 297
Uruguay, Pulp Mills on the River Uruguay (Argentina v. Uruguay) 88, 101
US
agricultural subsidies 201, 205–6
Alien Torts Claim Act (ACTA) 277–8
biodiversity and IPRs 386
biofuel subsidies 112
biopiracy 389
Bismuth Carbon Steel Products (US v. UK) 155
Bowoto v. Chevron 283
Catskill mountain ecosystem 120–21
Chevron case, Ecuador 223, 281, 284–5
Chicago emissions exchange market 83
Doe v. Unocal 278, 279
emissions trading scheme (ETS) 346
FDI resistance 69
forum non conveniens principle 279
Hull rule 71
litigation system 277
Methanex Corporation v. United States of America 160–61
and MNCs, rise of 216–17
MNCs and voluntary codes of conduct 221
NAFTA 205–6
Nicaragua v. United States of America 265, 267
North American Dredging Company of Texas Case 73
Pacific Fur Seals arbitration 93
Piper v. Reyno 279
renewable energy 335
and Shell case, Nigeria 278, 282–3
Shrimp Turtle Case 89, 95, 96, 155, 199, 240, 255, 256
Tax on Automobiles case 357–8
Torture Victims Protection Act (TVPA) 278
Trail Smelter Arbitration 12, 87, 88, 264
Union Carbide Corporation Gas Plant Disaster 279–80
US – Restrictions on Import of Tuna 357
US – Standards for Reformulated and Conventional Gasoline 357
US – Taxes on Petroleum and Certain Imported Substances 357

Van den Bossche, P. 197, 199–200, 237, 239, 240, 254
Van Mulekom, L. 24–5
Vasciannie, S. 102
Veeman, S. 174
Vernon, R. 257
Verway, W. 90
Vinogradov, S. 312

voluntary certification schemes 113–15

Walde, T. 20
Warner, J. 373
Washington International Action Programme 342

water resources 291–327
Aguas v. Argentina cases 156, 324 and bilateral investment treaties (BITs) 325–6

Mayagna (Sumo) Awas Tingni Community 145, 265, 311
M.C. Mehta v. Union of India 318 and Millennium Development Goals 292–3, 319 and MNCs 291
most favoured nation (MFN) status and GATS 308–9 and Multilateral Environmental Agreements (MEAs) 300–307, 319–20 national constitutions, right to water in 316–18 national level management 315–22


Watts, J. 236
wealth distribution and natural resources, correlation between 124–8

Werksman, J. 155, 262
Westing, A. 90
Wiener, J. 100
Wijen, F. 10, 35, 204
Williams, R. 330
Williamson, J. 56
Wils, W. 11
Wilson, C. 217, 231
Wolf, M. 36
Wood, C. 163
Woods, L. 205
Woods, N. 196
Woolf, Lord 165, 166
Japan – Alcoholic Beverages II
357
most-favoured nation (MFN) and
principle of national treatment
197–8, 355–6
and multilateral environmental
agreements (MEAs) 199–200, 255
overview 57–60, 196–8
public participation rights 155
and renewable energy 355–8
Shrimp Turtle Case 89, 95, 96, 155,
199, 240, 255, 256
and South-South liberalisation
202–3
Tax on Automobiles case 357–8
trade and environment 199–200
and TRIPS 382–6, 391, 392
US – Restrictions on Import of
Tuna 357
US – Standards for Reformulated
and Conventional Gasoline 357
US – Taxes on Petroleum and
Certain Imported Substances
357
and world trade governance 57–8
Wouters, P. 312
WSSD Johannesburg Declaration 18,
365–6, 377
Wunder, S. 121
Wynberg, R. 390
Yang, T. 206
Young, T. 378
Yu, P. 392
Yugoslavia, Prosecutor v. Tadic 265
Zerk, J. 216
Ziegler, J. 334
Zoellick, R. 9