Index

Abacha, Sani 57
acid rock drainage 134
active citizenship 21
Afghanistan, investment and human rights 96–116
overview 96–98
armed conflict and anti-government elements 99–100, 103
extraterritorial obligations of home states 100, 108–112
Mines and Petroleum, Ministry of 98, 102
political/economic context 98–107
summary conclusion 112–116
Water Law (2009) 106
Africa
deforestation 186
Investment Agreement (2007) (COMESA) 14, 15, 19
resource curse 50–51
see also Extractive Industries
Transparency Initiative (EITI), Africa; individual countries
Africa Mining Vision 55
Africa Progress Panel 55
African Trade and Insurance Agency 30
Agarwal, Arun 188
agriculture, and global value chains 239–240
air pollution, global impact of 216, 217
see also China, regulation of natural resources and environmental protection
Akpan v Royal Dutch Shell plc/SPDC 282–283, 286–291, 293, 294, 296
Alberta Energy Corporation (AEC) 309–310
Albuquerque, Catarina de 104
All-China Environmental Federation 226
Allende, Salvador 129
Amazon, and state-centrism in world politics 165–185
overview 165–167
core-periphery divide and international law 176–177, 180
core-periphery divide in knowledge production 173–182
as ecological system 168
European colonialism and rebellions against 169–171, 179
history of cacao trade 168
Madeira-Mamoré railroad construction 172
migration inflows and diversity 172–173
rubber boom 171–172, 178, 181
summary conclusion 182
as transnational space 169
Amazon Company 169
Amazon Cooperation Treaty (1978) 173
American Chemical Society 269
American Convention on Human Rights (1969) 82, 122, 132
Anghie, Anthony 167, 176
Angola, foreign plunder of assets of 52
Aann, Kofi 51
anthropology, and savage/civilized dichotomy 177
Antoine Goetz v Republic of Burundi 306
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro) 110–111
arbitral tribunals 78
amicus curiae submissions and 23 damage awards 10–11
history of 9–10
treaty interpretation and 16–19
see also public interest in investment arbitration; individual tribunals
Argentina
arbitral tribunal awards 86–87
financial crisis ICSID disputes 308–309, 311–313
socio-environmental conflicts 124
Arhus Convention see Convention on Access to Information, Public Participation in Decisionmaking and Access to Justice in Environmental Matters (UNECE)
armed conflict see Afghanistan, investment and human rights
Bachelet, Michelle 128
Bäckstrand, Karin 188–189
Berne Union 28
Bilateral investment treaties (BITs) 117–118, 119
to address gaps in WTO rule coverage 254–255
benefits of 279
duty to protect HRWS 90–92
home state obligations,
extraterritorial obligations and right to water 100, 108–112
human rights protections 78–90
investment protection standards 300–310
expropriations, special burden and discrimination 87–90
manifest arbitrariness provisions 15–16
non-precluded measures 310–311
overview 75–76
preestablishment commitments 16
principles of substantial protection 80–90
regulatory space 3, 7, 8–27
state regulation and business-related human rights 75–95
structure of BITs regime 76–78
biopower see tropical forests and climate change
Biswater Gauuff v Tanzania 81–82
Bolivia, mineral exports 123
Brazil
Belo Monte Dam and IACHR 124–127, 136–137
carbon emissions rate 126
investment treaty innovation 14, 15
socio-environmental conflicts 124, 125
Trans-Amazonian Highway 172
Xingu Basin indigenous communities 127
Brundtland Commission 191–192
Burundi, public interest ICSID dispute 306
cacao trade 168
Cambodia, forest sequestration projects 44–45
Canada
Export Development Canada (EDC) 30
softwood lumber NAFTA dispute 302–303
transparency legislation 53
carbon markets
PRI schemes and 44–45
REDD+-generated credits 195
CB Gold 151
Chandler v Cape plc 289–290
chemical industry regulation 257–277
carbon production 257–259
innovation in global market and 268–272
need for improvement 264–272
precaution/prevention/assessment of harm 266–268
Index

China, regulation of natural resources and environmental protection 208–236
air pollution 209, 214, 215–218
Environmental Protection Act (2014) 210, 213–215, 221–227
role of law and the ‘harmonious society’ 210, 211–213
summary conclusion 228–232
water crisis and energy resources 209, 215–216, 218–221
civil society
grassroots protests 11–12
multilateral environmental diplomacy and 22
rise of public scrutiny of investment treaties 23
Civil Society Platform on Oil and Gas (CSPOG) 62
climate change see Intergovernmental Panel on Climate Change (IPCC);
tropical forests and climate change; UN Framework Convention on Climate Change (UNFCCC)
CMS v Argentina 305, 311–312
Coca-Cola 238, 240, 255
Colombia, gold, FDI and instability 124, 142–164
constitutional resource protections 151
displacement of small mine owners 155–157
Environment, Ministry for the 146
Free Prior Informed Consultation (FPIC) process 147
Greystar and community protest 144–149
illegal mining 154, 157–159
National Mining Agency 158
unemployed miners and instability 157–158
colonial binaries see Amazon, and state-centrism in world politics
commodities consensus see Latin America, governance of natural resources

Rotterdam Convention 259–263, 272–273
SAICM framework 265, 270
synergies process 263–264, 270
Chevron 57, 82, 131
Chile
arbitral awards and fair and equitable treatment 85–86
CONADI (Corporación Nacional de Desarrollo Indígena) 130
Environment Agency (CONAMA) 131
mineral exports 123–124
National Energy Commission 130
Pangue/Ralco hydroelectric projects 127–131, 136–137
socio-environmental conflicts 124
treatment of indigenous communities 128–131
China
China’s Agenda white paper 222
climate change agreement with US (2014) 227
constitutional reforms 212–213
demand for energy and metals 123, 172
Environmental Protection, Ministry of 208, 223, 226
Equity Joint Venture Law (1979) 212–213
Foreign Economic Contract Law (1999) 213
Marine Environment Protection Law (1983) 221
Milk Scandal (2008) 215
Mirador Project and investment in Ecuador 133–134, 136–137
Property Law (2007) 213
State Ocean Administration 221
as UN member 212
urbanization rate 211
as WTO member 213
Yellow River Authorities 231

Celine Tan and Julio Faundez - 9781783478385
Downloaded from Elgar Online at 05/24/2019 10:43:56AM
via free access
Natural resources and sustainable development

Comprehensive Investment Agreement (2009) (ASEAN) 14
Conoco-Phillips 221
Continental Casualty Co v Argentine Republic 313
Convention of the International Centre for Settlement of Investment Disputes (ICSID) 76–78, 81–82, 85–87
Convention on Access to Information, Public Participation in Decisionmaking and Access to Justice in Environmental Matters (UNCE) 270–271
Coordinator of Indigenous Organizations of the Amazon Basin (COICA) 173
copper mining 35–36, 98–99, 102, 123–124, 128, 133
core-periphery divide see Amazon, and state-centrism in world politics
Corfu Channel Case (United Kingdom v Albania) 110
corporate dominance see World Trade Organization (WTO), and global value chains
corporate veil doctrine 281, 283, 287
Correa, Rafael 134
Corruptions Perception Index 56, 57
covet regulation see political risk insurance (PRI)
‘A Crude Awakening’ report (Global Witness) 52
custodial sovereignty (Scholtz) 203
custody standard of necessity 311–312
damage awards 10–11
see also individual cases
deforestation
in Africa 186
in Latin America 186–187
statistics 186–187
see also tropical forests and climate change; United Nations

Reducing Emissions from Deforestation and Forest Degradation (REDD+)
deliberative democracy, and economic necessities 22–23
Democracy Index 56, 57
Democratic Republic of Congo (DRC) losses due to corrupt mining deals 50
MIGA support for Dikulushi copper and silver mine 35–36
developing countries, impact of market-led policies on 2
see also investment treaties and regulatory space; individual countries
developmentalism 176
domestic public interest see public interest in investment arbitration
drug trafficking, in Amazon 173
due diligence 110–111
duty of care, by corporations see SPDC, Niger delta communities
cross-jurisdictional litigation against
Earth Summit (1992) see UN Conference on Environment and Development (UNCED)
eccogovernmentality, definition 188
ecological modernization 191
see also tropical forests and climate change
Economic Commission for Latin America and the Caribbean (CEPAL) 175
Ecuador
Audit Office 134
cancellation of Yasuni Initiative 134
Constitution (2008) 132–133
court rejection of PCA decision 82
Kichwa of Sarayaku community 132
Mining Code (2009) 133
Mining Law (1991) 132
Mirador Project and Chinese investment 133–134, 136–137
oil company ICSID dispute 309–310
Index

EDF (Services) Limited v Romania 305
Endesa 128, 130
diabetes-disrupting chemicals (EDCs) 259
energy industry see political risk insurance (PRI)
Enron Corporation and Ponderosa Assets v Argentine Republic 311–312
Ernst and Young 37
ethanol fuel production 126
Eurocentrism 180
see also Amazon, and state-centrism in world politics
European Court of Human Rights (ECHR) 315
European Court of Justice (ECJ) 285–286
European Union (EU)
Emission Trading Scheme 195
REACH (Registration, Evaluation, Authorization and Restriction of Chemicals) 263, 264, 266–269
Transparency and Accounting Directives 53
exhaustible natural resources 249
export credit agencies (ECAs) 30, 43
Export Development Canada (EDC) 30
expropriation 87–91, 303–308
indirect 15, 87–90, 304, 308
see also BITs, state regulation and business-related human rights
prohibition 303–304, 306
regulatory 29
unlawful 81
Extractive Industries Transparency Initiative (EITI), Africa
Ghana case study 51, 55–56, 58–59, 62, 63, 65, 67
institutionalization of transparency 61–63
interpretation and use of EITI data 63–64
new standard (2013) 54–55, 65
Nigeria case study 51, 54, 55–58, 61–62, 63–64, 66, 67
Principles and Articles of Association 54
sub-national implementation 64–66
summary conclusion 67–68
transparency provisions 52–55
extractive industry
resource nationalism and 37
see also Afghanistan, investment and human rights; mining industry; political risk insurance (PRI)
extraterritorial jurisdiction 281
see also SPDC, Niger delta
communities
cross-jurisdictional litigation against
fair and equitable treatment (FET) 15–16, 19, 80, 84–87, 304–305, 307
fair and equitable treatment vs. stabilization clauses 84–87
food shortages 242
Ford, Henry 171
foreign direct investment (FDI) 143, 298–299
see also Colombia, gold, FDI and instability
forest carbon credits 44–45
forest governance see tropical forests and climate change
forum non conveniens doctrine 281, 283, 285, 296
Foucault, Michel 188, 190
Free Trade Agreements (FTAs) 117–118
Frei, Eduardo 129–130
GAMI Investments, Inc. v United Mexican States 307
G8 summit (2013), on transparency 53, 54
General Electric 42–43
Natural resources and sustainable development

Genocide Case see Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)

Ghana
Chamber of Mines disclosures 58, 62
EITI case study 51, 55–56, 58–59, 62, 63, 65, 67
global rankings of 56
Minerals and Mining Act (2006) 65
Petroleum and Revenue Management Act (2011) 62
Public Interest and Accountability Committee (PIAC) 62
Glamis Gold Ltd v United States of America 309
global commons 201–202
global South see Amazon, and state-centrism in world politics; individual countries
global value chain scholarship 238–239
see also World Trade Organization (WTO), and global value chains
Global Witness, ‘A Crude Awakening’ report 52
Godden, Lee 196
gold mining 51, 58–60, 123–124, 309
see also Colombia, gold, FDI and instability
governmentality 32, 33
definition 188
green governmentality 187–203
green capitalism see tropical forests and climate change
Greystar EcoOro 143–144, 145, 146, 147, 150–151, 158, 159–160
Gudynas, Eduardo 122–123, 136–137
Haqqani Network 103
hard vs. soft law 136
‘harmonious society’ concept see China, regulation of natural resources and environmental protection
hazardous chemicals 258–259

see also Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
Human Development Index 56, 57, 58, 59
human rights
human right to water and sanitation (HRWS) see BITS, state regulation and business-related human rights
private provision of services and 78–80
treaties on indigenous communities 121–122
see also Afghanistan, investment and human rights; SPDC, Niger delta communities
cross-jurisdictional litigation against; United Nations Framework and Guiding Principles for Business and Human Rights
hydro-energy 124–125, 127–131, 136–137

imperialism 167, 181
India, Dabhol power plant project 42–43

indigenous communities
in Amazonia 173
in Brazil 127
in Chile 128–131
in Ecuador 132
human rights treaties on 121–122
prior informed consent xxx
REDD+, Paris Agreement and 197–200
see also Convention on Indigenous and Tribal Peoples (1989) (ILO); tropical forests and climate change; UN Declaration on the Rights of Indigenous Peoples (2007)

Indigenous Environment Network 198
Indigenous Peoples’ Global Summit on Climate Change (2009) 197
Index

Indonesia, suspension of energy projects and insurance claims 42, 43, 44
inorganic chemicals 258
Institute of Local Government Studies (ILGS) 65
Institute of Public and Environmental Affairs 225, 230
insurance industry 32–33
Integrated Social Development Centre (ISODEC) 65
InterAgua Servicios Integrales del Agua S.A. v the Argentine Republic and Suez, Sociedad General de Aguas de Barcelona, S.A. 308
Inter-American Commission on Human Rights (IACHR) 147, 148–149
Inter-American Court of Human Rights (IACtHR)
Brazil’s Belo Monte Dam and 124–127
on Ecuador’s violation of 132
on private provision of human rights services 79–80
Inter-American Development Bank 142
Intergovernmental Panel on Climate Change (IPCC) 187, 190
International Centre for Settlement of Investment Disputes (ICSID) 278–279
Convention of the International Centre for Settlement of Investment Disputes 76–78, 81–82, 85–87
natural resources disputes 10, 299–300, 304–310
proportionality test 307, 308–309
sugar industry regulation ICSID dispute 307
see also arbitral tribunals; individual cases
International Civil Court, proposed 281
International Court of Justice (ICJ), decisions on due diligence obligations 110–111
International Covenant on Economic, Social and Cultural Rights (ICESCR) 75–76, 92
International Criminal Court (ICC), Chinese opposition to 212
international environmental law neoliberal environmental governmentality and 200–203
sustainable development 191–192
International Finance Corporation (IFC) 128, 130–131, 143–144, 145, 146, 147, 159–160
international investment agreements (IIAs)
domestic public interest measures and 298–300
expropriation prohibition 303–304, 306
fair and equitable treatment (FET) clauses 15–16, 19, 80, 84–87, 304–305, 307
foresight concept 109–110
impact on host states 106
national treatment (NT) test 302–303, 305, 306–307
non-precluded measures 310–313
PRI insurers and 39–41
standard of review and 300–301
subrogation rights 41–42
International Labour Organization (ILO)
Chinese opposition to 212
international law and core-periphery dichotomy 176–177
International Law Commission (ILC)
Draft Articles on Responsibility of States for Internationally Wrongful Acts 109–110
International Monetary Fund (IMF) 2, 119
International Relations (IR), entry barriers within 175
investment treaties
democratization of international investment law 20–23
evolution in treaty-making and 13–16
investment protection standards 300–310
investment treaty, definition 300
operational control 17–20
preestablishment commitments 16
regulatory space 3, 7, 8–27
standard of review 300–301, 315
see also bilateral investment treaties, BITS

investor-state arbitration see arbitral tribunals; public interest in investment arbitration; individual tribunals
see also International Centre for Settlement of Investment Disputes (ICSID)

Iraq, as EITI compliant 53–54

Jonathan, Goodluck 61
decision activism 37

Kant, Immanuel 22
Kazakhstan, as EITI compliant 53–54
Kichwa of Sarayaku (Ecuador) 132
Kiobel v Royal Dutch Petroleum (Shell) 282–286, 287, 296

knowledge production, and core-periphery divide 173–182
Kyoto Protocol 188–189, 195, 214

labour issues, in sugar industry 240
Latin America
deforestation 186–187
as site of responsive economic theories 175
see also individual countries
Latin America, governance of natural resources 117–141
overview 117–119
Brazil case study 124–127
Chile case study 124, 127–131
Ecuador case study 124, 131–134
history of natural resources and international law 119–122
natural resources boom and commodities consensus 122–124
summary conclusion 135–137

Least Developed Country (LDC) rankings 101

LG and E v Argentinian Republic 312

liberal political theory 176–177

Lloyd’s of London 30

Locke, John 179, 180

Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights 98, 109

Mapuche/Pehuenche indigenous community (Chile) 128–130

Marrakesh Agreement 241

Meeran, R. 281, 283–284, 288, 289, 292, 294

Mes Aynak (heritage site) 99

Metalclad Corporation v the United Mexican States 304

Mexico
socio-environmental conflicts 124
sugar industry regulation ICSID dispute 307

Mgbeoji, I. 202

MidAmerican 42, 44

mining industry commodities consensus and price boom 123–124
in DRC 35–36
royalties 37, 58, 59, 65, 133, 153
water contamination due to 105
see also Afghanistan, investment and human rights; Colombia, gold, FDI and instability; Latin America, governance of natural resources; individual types of mineral mining

Montreal Protocol on Substances that Deplete the Ozone Layer 270

Moody’s 39

most favored nation status 80

mother nature (pachamama), rights of see Ecuador

MTD Equity Sdn. Bhd and MTD Chile S.A. v Republic of Chile 85–86

multilateral development banks 43
Index

Multilateral Investment Guarantee Agency (MIGA) 131
CAO audit of 35–36
formation of 30
Operational Regulations 38–39
reimbursements to 42, 43
on resource nationalism 37
subrogation rights 41
technical, advisory and mediation services 31
multinational oil companies see SPDC, Niger delta communities
cross-jurisdictional litigation against
multi-stakeholder working group (MSG), as requirement of EITI 63–64
Museveni, Yoweri 60

national treatment (NT) test 302–303, 305, 306–307
see also BITS and investment treaties
Natural Resource Governance Institute
Natural Resources Charter 55
Resource Governance Index 55
natural resource governance, overview 1–3
natural resources and trade see World Trade Organization (WTO), and global value chains
nature/culture boundary see Amazon, and state-centrism in world politics
neoliberalism see International Monetary Fund (IMF); tropical forests and climate change;
Washington Consensus; World Bank Group (WBG)
nesting regulations 45
Netherlands
District Court of The Hague and extraterritorial jurisdiction 282–283, 285, 286–291
Newmont Gold Ghana Ltd 65
Newmont Mining 123
Nicaragua, forest sequestration projects 44
Nigeria
Bayelsa Income and Expenditure Transparency Initiative (BEITI) 66
EITI case study 51, 54, 55–58, 61–62, 63–64, 66, 67
global rankings of 56, 57
Inter-Ministerial Task Force 62
losses due to corrupt mining deals 50–51
National Stakeholders Working Group (NSWG) 66
NEITI Act (2007) 62, 66
Oil Pipelines Act (1990) 292–293
Petroleum Industry Bill (PIB) 61–62
see also SPDC, Niger delta communities
cross-jurisdictional litigation against
non-precluded measures (NPMs) 310–313
North, Douglass 230
North American Free Trade Agreement (NAFTA) 14, 18, 302–303, 309
Norway, as EITI compliant 53–54
Observatory of Latin American Mining Conflicts (OCMAL) 124
Occidental 131
Occidental v Ecuador 309–310
oil exports and resource curse 51–52
oil spill cases see Akpan v Royal Dutch Shell plc/SPDC; Bodo Community v The Shell Petroleum Development Company of Nigeria Ltd
Open Society Foundations 55
organic chemicals 258, 259
Organization for Economic Co-operation and Development (OECD) 279–280
Arrangement on Officially Supported Export Credits 39
country risk ratings 39
Guidelines for Multinationals Enterprises 253
Natural resources and sustainable development

halo effect and 43
Organization of American States (OAS) 125, 127
Owusu v Jackson 285

parent companies and lawsuits see SPDC, Niger delta communities
cross-jurisdictional litigation against
Parkerings-Compagniet AS v Lithuania 305–306
Permanent Court of Arbitration (PCA), Ecuadorian court noncompliance 82
Perú as EITI compliant 53–54
mineral exports 123–124
repression of peasant protest of mining projects 123
Petroecuador 309–310
Pinochet, Augusto 129
policy space see Latin America, governance of natural resources
political clientelism see Latin America, governance of natural resources
political risk, definition 35
political risk insurance (PRI) 28–49
overview 28–29
framework of supervision 38–45
framing of political risks 33–38
insuring against acts of states 29–31
pollutant release and transfer registers (PRTRs) 270–271
pollution
acid rock drainage 134
due to illegal mining 157
see also air pollution, global impact of; China, regulation of natural resources and environmental protection; Shell Petroleum Development Company (SPDC), Niger delta communities
cross-jurisdictional litigation against; water contamination

Pope and Talbot Inc. v Government of Canada 302–303, 307
Prebisch, Raúl 175, 179
principle of equity 2
prior informed consent see indigenous peoples/communities
public interest in investment arbitration 298–316
identification of public interest exception 301–305
investment protection standards 300–310
non-precluded measures 310–313
overview 298–300
review of alleged ‘public interest’ 305–306
summary conclusion 314–315
verification of suitability of measures 306–310
see also investor state arbitrations, investment treaties
Publish What You Pay (PWYP) 53, 55

REACH (Registration, Evaluation, Authorization and Restriction of Chemicals) (EU) 266–269
resource curse 50, 51–52
oil exporting countries and 50–52
processes of 52
see also Extractive Industries Transparency Initiative (EITI), Africa
resource nationalism 37
revenue transparency see Extractive Industries Transparency Initiative (EITI), Africa
Revenue Watch Institute 65, 66
Revolutionary Armed Forces of Colombia (FARC) 142
Rio Declaration see UN Conference on Environment and Development (UNCED)
Rio+20 Conference on Sustainable Development (2012) 192, 298
risk governance see political risk insurance (PRI)
Rome II Regulation 292
Index

Rotterdam Convention 259–264, 272–273
Rousseau, Jean-Jacques 22
Royal Dutch Shell (RDS) see SPDC, Niger delta communities cross-jurisdictional litigation against royalties see mining industry Ruggie, John 97, 98, 101–102
SAICM framework see World Summit on Sustainable Development, Johannesburg
Said, Edward 175
Salaka v Czech Republic 84
Natural resources and sustainable development

Taliban 99
Tanzania, privatization of water supply services 81–82
Tecnicas Medioambientales Tecmed S.A. v the United Mexican States 304, 306, 307, 315
temporality of the state see Amazon, and state-centrism in world politics
tenure, use of term (Godden and Tehan) 196
termination of investment treaties 16
Terra Global Capital 44–45
Tesco 238, 239, 243, 255
Texaco 131
There is Nothing Else/Otra Cosa No Hay (documentary) 144
Third World Approaches to International Law (TWAIL) 167, 177
Trail Smelter Arbitral Decision (United States v Canada) 110
Transatlantic Trade and Investment Partnership 23, 92–93
transnational civil litigation see SPDC, Niger delta communities cross-jurisdictional litigation against
Trans-Pacific Partnership 23, 92–93
transparency 22, 53, 54
see also Extractive Industries Transparency Initiative (EITI), Africa
traveling theory (Said) 175
tropical forests and climate change 186–207
overview 186–187
neoliberal environmental governmentality 188–193
neoliberalism and international environmental law 200–203
REDD+, indigenous rights and Paris Agreement 197–200
REDD+ forest governance 193–197
summary conclusion 203
Trump administration, impact on EITI 53, 54
Tullow Oil 60
Uganda
global rankings of 56
Oil and Gas Policy (2008) 60, 62
UK Export Finance 30
UN Centre on Transnational Corporations 1
UN Charter, duty relative to right to water 109
UN Committee on Economic, Social and Cultural Rights (CESCR) 108, 109–112
UN Conference on Environment and Development (UNCED) 2
Agenda 21 260–261, 266, 270
Rio Declaration (1992) 121, 227, 266
sustainable development 192
see also Rotterdam Convention; Stockholm Convention on Persistent Organic Pollutants (POPs)
UN Conference on the Law of the Sea (1958) 212
UN Convention on Biological Diversity (CBD) 2, 121, 214
UN Declaration on the Rights of Indigenous Peoples (2007) 122, 134, 198–199
UN Economic Commission for Europe (UNECE)
Convention on Access to Information, Public Participation in Decisionmaking and Access to Justice in Environmental Matters 270–271
UN Environment Programme (UNEP) 194, 295
UN Food and Agriculture Organization (FAO) 186
UN Framework Convention on Climate Change (UNFCCC) 2, 227
UN General Assembly
Declaration on Permanent Sovereignty over Natural Resources 1, 120, 201
Human Right to Water and Sanitation resolution 108
New International Economic Order (NIEO) resolutions 1
right to self-determination 119
UN Global Compact 253
UN Human Rights Council
Human Rights and Access to Safe Drinking Water and Sanitation resolution 108–109
United Kingdom (UK)
transparency legislation 53
UK Court of Appeal and extraterritorial jurisdiction 289–290
UK Export Finance 30
UK High Court and extraterritorial jurisdiction 282–283, 291–295, 296
United Nations Conference on Trade and Development (UNCTAD) 1
United Nations Development Programme (UNDP) 103, 134
United Nations Framework and Guiding Principles for Business and Human Rights operationalization of first pillar 108–112
pillars of 97
Ruggie Guiding Principles 91, 97, 288
United Nations High Commissioner for Human Rights (UNHCHR) 107
United Nations Reducing Emissions from Deforestation and Forest Degradation (REDD+) 45
COP Bali Road Map (2007) 193–194
COP Cancún Agreements 198
COP Warsaw Framework (2013) 194
Green Climate Fund 194
REDD+ framework 191, 193–200
2030 Agenda on Sustainable Development 191, 192
see also tropical forests and climate change
United States (USA)
Alien Tort Statute (ATS) 281–282, 283, 284–285
climate change agreement with China (2014) 227
Dodd-Frank Act (2010) 53
Madeira-Mamoré railroad construction in Amazon 172
NAFTA dispute involving mining and Native American artefacts 309
Overseas Private Investment Corporation (OPIC) xxx
US Supreme Court and extraterritorial jurisdiction 282–286, 287, 296
universal jurisdiction 282
US Department of Labor, on labour in sugar industry 240
US Embassy, in China 215
US Geological Survey, on mineral resources in Afghanistan 102
US Model BIT (2012) 89, 311
US Overseas Private Investment Corporation (OPIC) 30, 31, 41–44
US Securities and Exchange Commission (SEC), extractive sector disclosure requirements 53, 59
US-Argentina BIT 311
uti possidetis (as you possess) 176
Vivendi Universal S.A. v the Argentine Republic 86–87, 308
Wal-Mart 238, 239, 243, 252, 255
Washington Consensus 52, 117, 119
water, right to 108–109
see also Afghanistan, investment and human rights
water and sanitation services (WSS) see BITS, state regulation and business-related human rights
water contamination 105, 106
water scarcity projections 103–104
weak governance zones 36, 99
West India Company 169
Wolfenson, James 131
World Bank Group (WBG) 119
Center on Conflict, Security and Development report (2013) 142–143
on Chinese water crisis 219
Natural resources and sustainable development

Compliance Advisor/Ombudsman (CAO) 35–36
critique of treatment of indigenous peoples 129, 130–131
Doing Business rankings 39
Extractive Industries Review 52–53, 57–58
on financing risks in Afghanistan 102, 103
investment climate reports 39
market-led policies 2
Office of the Compliance Advisor/Ombudsman 131
see also International Finance Corporate (IFC); Multilateral Investment Guarantee Agency (MIGA)
World Commission on Dams 131
World Conference on Environment and Development (1987) 191
World Summit on Sustainable Development, Johannesburg EITI scheme 53
Strategic Approach to International Chemicals Management (SAICM) 265, 270
World Trade Organization (WTO) 2, 117–118, 119, 278–279
China-Raw Materials dispute 244–252, 254
Doha Development Round 243, 255
EC-Seals dispute 246–247, 248, 252
EEC-Fruit dispute 244
General Agreement on Tariffs and Trade (GATT) 238, 242–253
General Agreement on Trade in Services (GATS) 213
Japan-Semi-Conductors dispute 244
Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement 213
US-Reformulated Gasoline dispute 251
US-Shrimp dispute 249, 251
US-Tuna II dispute 246
World Trade Organization (WTO), and global value chains 237–256
overview 237–238
market access prohibitions on natural resources 246–253
natural resources and sustainable development 238–241
natural resources and WTO 241–243
restrictions on natural resources imports/exports 243–246
summary conclusion 253–255
Xingu Basin indigenous communities (Brazil) 127
Yasuni National Park (Ecuador) 134
Zimbabwe, ICSID on human rights norms 82