

## NON-REGRESSION IN INTERNATIONAL ENVIRONMENTAL LAW



NON-REGRESSION  
IN INTERNATIONAL  
ENVIRONMENTAL LAW

Human Rights Doctrine and the Promises  
of Comparative International Law

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## Non-Regression in International Environmental Law. Human Rights Doctrine and the Promises of Comparative International Law

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## LIST OF ABBREVIATIONS

ACmHPR	African Commission on Human and Peoples' Rights
ACtHPR	African Court on Human and Peoples' Rights
APA	Paris Ad hoc Working Group
APRM	African Peer-Review Mechanism
ASCI	Areas of special conservation interest
ASR	Articles on the Responsibility of States for Internationally Wrongful Acts
AU	African Union
CBDR	Common but differentiated responsibilities (and respective capabilities, in the light of different national circumstances)
CEC	Commission for Environmental Cooperation
CESCR	Committee on Economic, Social and Cultural Rights
CIDI	Inter-American Council for Integral Development
CMA	Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement
CMP	Conference of the Parties serving as the Meeting of the Parties
CoE	Council of Europe
CoP	Conference of the Parties
ECJ	European Court of Justice
ECmHR	European Commission of Human Rights
ECOSOC	United Nations Economic and Social Council
ECOWAS	Economic Community of West African States
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EU	European Union
ESC rights	Economic, social and cultural rights
G77	Group of 77 (UN coalition of small and developing states)
GAL	Global administrative law
GHG	Greenhouse gas (emissions)
HRC	Human Rights Council
HRComm	Human Rights Committee
IACmHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights

IAR	International assessment and review
IBSA	Indicator-Benchmark-Scoping-Assessment
ICA	International consultation and analysis
ICJ	International Court of Justice
IEL	International environmental law
ILA	International Law Association
ILC	International Law Commission
ILM	International Legal Materials
ILO	International Labour Organization
INDCs	Intended nationally determined contribution(s)
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPCC	International Panel on Climate Change
IUCN	International Union for the Conservation of Nature
IWC	International Whaling Commission
LCA	Long-term cooperative action
MDGs	Millennium Development Goals
MEAs	Multilateral environmental agreements
MRV	Monitoring, reporting and verification
MoP	Meeting of the Parties
NBSAPs	National Biodiversity Strategies and Action Plans
NDCs	Nationally determined contributions
OAS	Organization of American States
OHCHR	Office of the United Nations Commissioner of Human Rights
OP	Optional Protocol
QELRCs	Quantified emission limitation and reduction commitments
QELROs	Quantified emission limitation and reduction obligations
RAMs	Ramsar advisory missions
RIAA	Reports of International Arbitration Awards
RIS	Ramsar information sheet
SBI	Subsidiary Body on Implementation
SDGs	Sustainable Development Goals
SBSTA	Subsidiary Body for Scientific and Technological Advice
STRP	Scientific and Technical Review Panel
UN	United Nations
UNCED	Rio Conference on Environment and Development (1992)
UNCSD	UN Conference on Sustainable Development (2012)
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme

UNHCHR	United Nations High Commissioner of Human Rights
UNTS	United Nations Treaty Series
WCED	World Commission on Environment and Development
WCMC	UNEP World Conservation Monitoring Centre
Working Group or WGPSS	Working Group to Examine the Progress Reports of the States Parties to the Protocol of San Salvador
WGRI	Working Group on the Review of Implementation
WMO	World Meteorological Organisation



## LIST OF INSTRUMENTS

Aarhus Convention	Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters of 25 June 1998, entered into force 30 October 2001, 2161 UNTS 447
ACHR	American Convention on Human Rights of 22 November 1969, entered into force 18 July 1978, 1144 UNTS 123
AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds of 15 August 1996, entered into force 1 November 1999, 2365 UNTS 203
African Charter ('Banjul Charter')	African Charter on Human and Peoples' Rights of 27 June 1981, entered into force 21 October 1986, 1520 UNTS 217
African Women Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 11 July 2003, entered into force 25 November 2005, available at <a href="http://www.achpr.org/instruments/women-protocol/">http://www.achpr.org/instruments/women-protocol/</a>
African Children Charter	African Charter on the Rights and Welfare of the Child of 1 July 1990, entered into force 29 November 1999, Doc. CAB/LEG/24.9/49 (1990), available at <a href="http://www.achpr.org/instruments/child/">http://www.achpr.org/instruments/child/</a>
African Nature Convention	African Convention on the Conservation of Nature and Natural Resources of 15 September 1968, entered into force 16 June 1969, 1001 UNTS 3
ASEAN Nature Agreement	ASEAN Agreement on the Conservation of Nature and Natural Resources of 9 July 1985, not yet in force, 15 <i>Env. Pol'y &amp; L.</i> (1985) 64
AU Constitutive Act	Constitutive Act of the African Union of 11 July 2000, entered into force 26 May 2001, 2158 UNTS 3

Bamako Convention	Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa of 30 January 1991, entered into force 22 April 1988, 2101 UNTS 177
Basel Convention	Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989, entered into force 5 May 1992, 1673 UNTS 57
Bern Convention	Convention on the Conservation of European Wildlife and Natural Habitats of 19 September 1979, entered into force 1 June 1982, CETS No. 104
CBD	Convention on Biological Diversity of 5 June 1992, entered into force 29 December 1993, 1760 UNTS 79
Cartagena Protocol	Cartagena Protocol on Biosafety of 29 January 2000, entered into force 11 September 2003, 2226 UNTS 208
Supplementary Protocol	Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress of 15 October 2010, entered into force 5 March 2018, Doc. UNEP/CBD/BS/COP-MOP/5/17 (14 December 2010) 64
Nagoya Protocol	Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization of 29 October 2010, entered into force 12 October 2014, Decision X/1, Annex I, Doc. UNEP/CBD/COP/DEC/X/1 (29 October 2010)
CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources of 20 May 1980, entered into force 7 April 1982, 1329 UNTS 48
CCD	United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa of 17 June 1994, entered into force 26 December 1996, 1954 UNTS 3
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, entered into force 3 September 1981, 1249 UNTS 13
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973, entered into force 1 July 1975, 993 UNTS 244



CMS	Convention on the Conservation of Migratory Species of Wild Animals of 23 June 1979, entered into force 1 November 1983, 1651 UNTS 333
CRC	Convention on the Rights of the Child of 20 November 1989, entered into force 2 September 1990, 1577 UNTS 3
CRPD	Convention on the Rights of Persons with Disabilities of 13 December 2006, entered into force 3 May 2008, 2515 UNTS 3
ECA	Agreement on Environmental Cooperation among the Governments of Canada, the United States of America, and the United Mexican States of 30 November 2018, not yet in force [title as in Canada]
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, entered into force 3 September 1953, CETS No. 5
EUROBATS	Agreement on the Conservation of Populations of European Bats of 4 December 1991, entered into force 16 January 1994, available at <a href="http://www.eurobats.org/official_documents/agreement_text">http://www.eurobats.org/official_documents/agreement_text</a>
EurSC	European Social Charter of 18 October 1961, entered into force 26 February 1965, CETS No. 35
1988 Protocol	Additional Protocol to the European Social Charter of 5 May 1988, entered into force on 4 September 1992, CETS No. 128
Turin Protocol	Protocol Amending the European Social Charter of 21 October 1991, not yet in force, CETS No. 142
1995 Protocol	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints of 9 November 1995, entered into force 1 July 1998, CETS No. 158
Revised EurSC	<i>(see below)</i>
FCCC	United Nations Framework Convention on Climate Change of 9 May 1992, entered into force 21 March 1994, 1771 UNTS 107
Kyoto Protocol	Kyoto Protocol to the United Nations Framework Convention on Climate Change of 11 December 1997, entered into force 16 February 2005, 2303 UNTS 162
Paris Agreement	<i>(see below)</i>

Helsinki Convention	Convention on the Protection of the Marine Environment of the Baltic Sea Area of 9 April 1992, entered into force 17 January 2000, 1994 EU OJ L 73/2
ICCPR	International Covenant on Civil and Political Rights of 16 December 1966, entered into force 23 March 1976, 999 UNTS 171
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination of 21 December 1965, entered into force 4 January 1969, 660 UNTS 195
ICESCR	International Covenant on Economic, Social and Cultural Rights of 19 December 1966, entered into force 3 January 1976, 993 UNTS 3
OP ICESCR	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights of 10 December 2008, Doc. A/RES/63/117 (5 March 2009), entered into force 5 May 2013
ICJ Statute	Statute of the International Court of Justice of 26 June 1945, entered into force 24 October 1945, 39 <i>Am. J. Int'l L. Supp.</i> (1945) 190
ICRW	International Convention for the Regulation of Whaling of 2 December 1946, entered into force 10 November 1948, 161 UNTS 72
LRTAP Convention	Convention on Long-Range Transboundary Air Pollution of 13 November 1979, entry into force 16 March 1983, 1302 UNTS 218
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Migrant Workers Convention	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 18 December 1990, entered into force 1 July 2003, 2220 UNTS 3
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New York Water Convention	Convention on the Law of the Non-Navigational Uses of International Watercourses of 8 July 1997, entered into force 17 August 2014, Doc. A/RES/51/229 (8 July 1997)
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Managua Protocol	Protocol of Amendment to the Charter of the Organization of American States of 6 June 1993, entered into force 29 January 1996, 33 ILM 1009
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic of 22 September 1992, entered into force 25 March 1998, 2354 UNTS 67
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Paris Agreement	Paris Agreement of 12 December 2015, Annex to Decision 1/CP.21, Doc. FCCC/CP/2015/10/Add.1 (29 January 2016), entered into force 4 November 2016, 2016 EU OJ (L 282) 4
Ramsar Convention	Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat of 2 February 1971, entered into force 21 December 1975, 996 UNTS 245
Revised African Nature Convention	African Convention on the Conservation of Nature and Natural Resources of 1 July 2003, entered into force 10 July 2016, available at <a href="http://www.au.int/en/treaties/african-convention-conservation-nature-and-natural-resources-revised-version">http://www.au.int/en/treaties/african-convention-conservation-nature-and-natural-resources-revised-version</a>
Revised EurSC	Revised European Social Charter of 3 May 1996, entered into force 1 July 1999, CETS No. 163
San Salvador Protocol	Additional Protocol to the American Convention in the Area of Economic, Social and Cultural Rights of 17 November 1988, entered into force 16 November 1999, OAS Treaty Series No. 69
UN Charter	Charter of the United Nations of 26 June 1945, entered into force 24 October 1945, <i>United Nations Yb.</i> (1946–47) Appendix I

USMCA	Agreement between the United States of America, the United Mexican States, and Canada of 30 November 2018, not yet into force [title as in the United States of America]
VCLT	Vienna Convention on the Law of Treaties of 23 May 1969, entered into force 27 January 1980, 1155 UNTS 331
Western Hemisphere Convention	Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere of 12 October 1940, entered into force 1 May 1942, OAS TS No. 31
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