

**THE ROLE OF INTERNATIONAL
COURTS AND TRIBUNALS IN
INTERNATIONAL ENVIRONMENTAL LAW**

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Abstract

International environmental law is one of the most dynamic fields of public international law, and has rapidly acquired great breadth and sophistication. Yet the rate of global environmental decline has also increased and is accelerating. Halting and reversing this process is a challenge of effective governance, requiring institutions that can ensure that the now impressive body of environmental norms is faithfully implemented. This thesis explores whether and to what extent international courts and tribunals can play a useful role in international environmental regimes. Consideration is given to the threefold function of adjudication – in resolving environmental disputes, in promoting compliance with environmental standards, and in developing environmental rules.

The thesis is divided into three Parts. The first Part examines the spectrum of adjudicative bodies that have been involved in the resolution of environmental disputes, situates these within the evolution of institutions for compliance control, and offers a reassessment of their relevance in contemporary environmental governance. The second Part critically assesses the contribution that arbitral awards and judicial decisions have made to the development of norms and principles of environmental law, examining case law relating to transboundary pollution, shared freshwater resources and marine environmental protection. In the third Part of the thesis consideration is given to three looming challenges for international environmental litigation – accommodating greater levels of public participation in adjudicative processes, resolving practical problems stemming from the interaction among multiple jurisdictions, and ensuring that specialised courts and tribunals do not apply environmental norms in a parochial manner which privileges the policy objectives of issue-specific regimes.

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Preface

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This work takes account of international legal developments up to 1 July 2005, as well as a handful of particularly pertinent developments occurring after that date. The referencing system adopted generally follows the *Australian Guide to Legal Citation* (2nd ed, 2003) and the *Melbourne Journal of International Law Supplement to the Australian Guide to Legal Citation* (2004). However, to enhance the readability of the thesis, references to treaties are truncated in the main body of the work and cited in full in the Table of Treaties.

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List of Abbreviations

<i>ACHR</i>	<i>1969 American Convention on Human Rights</i>
ATS	<i>Australian Treaties Series</i>
Bevans	<i>Treaties and Other International Agreements of the United States of America (1776-1949)</i>
CanTS	<i>Canada Treaty Series</i>
<i>CCSBT</i>	<i>1993 Convention for the Conservation of Southern Bluefin Tuna</i>
C-CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CFI	Court of First Instance of the Court of Justice of the European Communities
ConTS	<i>Consolidated Treaty Series</i>
CUS	<i>Treaties and Agreements Affecting Canada in force between His Britannic Majesty and the United States of America (1814-1925)</i>
<i>DSU</i>	<i>Understanding on Rules and Procedures Governing the Settlement of Disputes in the World Trade Organisation</i>
ECJ	Court of Justice of the European Communities
EComHR	European Commission on Human Rights
ECtHR	European Court of Human Rights
<i>ECHR</i>	<i>1950 Convention for the Protection of Human Rights and Fundamental Freedoms</i>
ECR	European Court Reports
EEZ	Exclusive Economic Zone
EFZ	Exclusive Fishing Zone
EHRR	<i>European Human Rights Reports</i>
EIA	Environmental Impact Assessment
ETS	<i>European Treaty Series</i>
FAO	United Nations Food and Agriculture Organisation
GA	United Nations General Assembly
GAOR	United Nations General Assembly Official Records
GESAMP	Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection
IAComHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
ICCPR	<i>1966 International Covenant on Civil and Political Rights</i>
ICE	Proposed International Court for the Environment
ICJ	International Court of Justice

Abbreviations

ICJ Pleadings	International Court of Justice Pleadings
ICJ Rep	International Court of Justice Reports
IJC	International Joint Commission
ILC	International Law Commission
ILM	<i>International Legal Materials</i>
ILR	<i>International Law Reports</i>
ITLOS	International Tribunal for the Law of the Sea
LNTS	<i>League of Nations Treaty Series</i>
LOS Convention	<i>1982 United Nations Convention on the Law of the Sea</i>
Moore's International Arbitrations	John Bassett Moore, <i>History and Digest of the International Arbitrations to which the United States has been a Party</i> (1898) vol 1-6.
NAAEC	<i>1993 North American Agreement on Environmental Cooperation</i>
NAFTA	<i>1992 North American Free Trade Agreement</i>
NCP	Non-Compliance Procedure
NGO	Non-Governmental Organisation
OAS	Organisation of American States
OAS TS	Organisation of American States Treaty Series
OJ	Official Journal of the European Communities
OSPAR Convention	<i>1992 Convention for the Protection of the Marine Environment of the North-East Atlantic</i>
PCA	Permanent Court of Arbitration
PCIJ	Permanent Court of International Justice
PITS	<i>Pacific Islands Treaty Series</i>
Recueil des Cours	<i>Recueil des Cours, Académie de droit international de la Haye</i>
RIAA	<i>United Nations Reports of International Arbitral Awards</i>
TAC	Total Allowable Catch
TIAS	<i>United States Treaties and Other International Acts Series</i>
UKTS	<i>United Kingdom Treaty Series</i>
UNCED	United Nations Conference on Environment and Development
UNEP	United Nations Environment Program
UNTS	<i>United Nations Treaty Series</i>
UNSCEAR	United Nations Scientific Committee on the Effects of Atomic Radiation
UST	United States Treaties and Other International Agreements

Abbreviations

WCED	World Commission on Environment and Development
WTO	World Trade Organisation

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- 1815 *Convention to Regulate the Commerce Between the Territories of the United States and Great Britain*, opened for signature 3 July 1815, 12 Bevans 49 (entered into force 3 July 1815).
- 1866 *Additional Act to the Delimitation Treaties Concluded on 2 December 1856, 14 April 1862 and 26 May 1866*, opened for signature 26 May 1866, 132 ConTS 359 (entered into force 14 July 1866).
- France-Spain Treaty of Delimitation*, opened for signature 26 May 1866, 132 ConTS 359 (entered into force 14 July 1866).
- 1867 *Russia-United States Convention Ceding Alaska*, opened for signature 29 March 1867, 11 Bevans 1216 (entered into force 20 June 1867).
- 1892 *Great Britain-United States Treaty Submitting to Arbitration the Questions Relating to Seal Fisheries in the Bering Sea*, opened for signature 29 February 1892, 12 Bevans 220 (entered into force 7 May 1892).
- 1899 *International Convention for the Pacific Settlement of International Disputes*, opened for signature 29 July 1899, 1901 UKTS 9 (entered into force 4 September 1900).
- 1907 *International Convention for the Pacific Settlement of International Disputes*, opened for signature 18 October 1907, 54 LNTS 435 (entered into force 22 January 1910).
- 1909 *Special Agreement for the Submission of Questions Relating to Fisheries on the North Atlantic Coast*, opened for signature 27 January 1909, 12 Bevans 328 (entered into force 5 March 1909).
- Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada*, opened for signature 11 January 1909, [1909] CUS 312.
- 1911 *Convention Respecting Measures for the Preservation and Protection of Fur Seals in the North Pacific Ocean*, opened for signature 7 February 1911, 12 Bevans 353 (entered into force 7 July 1911).
- 1928 *General Act for the Pacific Settlement of Disputes*, opened for signature 26 September 1928, 93 LNTS 2123 (entered into force 26 September 1928).
- 1933 *Convention Relative to the Preservation of Fauna and Flora in their Natural State*, opened for signature 8 November 1933, 172 LNTS 241 (entered into force 14 January 1936).

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- 1935 *Convention for the Settlement of Difficulties Arising from the Operation of the Smelter at Trail between Great Britain and the United States*, opened for signature 15 April 1935, 162 LNTS 73 (entered into force 15 April 1935).
- 1946 *International Convention for the Regulation of Whaling*, opened for signature 2 December 1946, 161 UNTS 72 (entered into force 10 November 1948).
- 1947 *General Agreement on Tariffs and Trade*, opened for signature 30 October 1947, 55 UNTS 187 (in force provisionally under the *Protocol of Application*, 55 UNTS 308).
- 1948 *Universal Declaration of Human Rights*, GA Res 217A(III), UN Doc A/810 (1948).
- 1950 *Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, 213 UNTS 221 (entered into force 3 September 1953) as amended by *Protocol No 11*, opened for signature 11 May 1994, (1994) ETS 155 (entered into force 1 November 1998).
- 1956 *Arbitral Compromis on the Interpretation of the Treaty of Bayonne of 26 May 1866 and Additional Act of the Same Date Concerning the Utilisation of the Waters of Lake Lanoux*, opened for signature 19 May 1956, reprinted in 12 RIAA 285 (entered into force 19 November 1956).
- 1957 *Protocol on the Statute of the Court of Justice of the European Economic Community*, opened for signature 17 April 1957, 298 UNTS 147 (entered into force).
- Treaty Establishing the European Atomic Energy Authority*, Opened for signature 25 March 1957, 298 UNTS 167 (entered into force 1 January 1958).
- 1959 *Antarctic Treaty*, opened for signature 1 December 1959, 402 UNTS 71 (entered into force 23 June 1961).
- 1963 *Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 6 May 1963, 213 UNTS 262 (entered into force 18 May 1954).
- Agreement Concerning the International Commission for the Protection of the Rhine Against Pollution*, opened for signature 29 April 1963, 994 UNTS 3 (entered into force 1 May 1965).
- Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water*, opened for signature 5 August 1963, 480 UNTS 43 (entered into force 10 October 1963).
- 1965 *Canada – United States, Agreement Concerning the Establishment of an International Arbitral Tribunal to Dispose of United States Claims Relating to Gut Dam*, opened for signature 25 March 1965, [1966] CanTS 22 (entered into force 11 October 1966).
- 1966 *International Covenant on Civil and Political Rights*, opened for signature 16

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- December 1966, 999 UNTS 171 (entered into force 23 March 1976).
- 1966 *Optional Protocol to the International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 302 (entered into force 23 March 1976).
- 1968 *Canada – United States, Exchange of Notes Concerning the Lake Ontario Claims Tribunal and Lump Sum Settlement of Disputes*, 1 October 1968, (1969) VII *Canadian Yearbook of International Law* 316, 18 November 1968, 19 UST 7863.
- 1969 *American Convention on Human Rights*, opened for signature 22 November 1969, 1144 UNTS 123 (entered into force 18 July 1978).
- Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and other Harmful Substances*, opened for signature 9 June 1969, 704 UNTS 3 (entered into force 9 August 1969).
- Vienna Convention on the Law of Treaties*, opened for signature 23 May 1969, 1155 UNTS 332 (entered into force 27 January 1980).
- 1970 *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*, GA Res 2625 (XXV), UN Doc A/RES/2625(XXV) (1970).
- 1971 *Convention on Wetlands of International Importance, Especially as Waterfowl Habitat*, opened for signature 2 February 1971, 996 UNTS 245 (entered into force 21 December 1975).
- 1972 *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Materials*, opened for signature 29 December 1972, 1046 UNTS 120 (entered into force 30 August 1975).
- Declaration of the United Nations Conference on the Human Environment*, UN Doc A/CONF.48/14/Rev.1 (1973), (1972) 11 ILM 1416.
- 1973 *Convention on International Trade in Endangered Species of Wild Fauna and Flora*, opened for signature 3 March 1973, 993 UNTS 243 (entered into force 1 July 1975).
- International Convention for the Prevention of Pollution from Ships*, opened for signature 2 November 1973, (1973) 12 ILM 1319 (not in force) (as amended and given effect by the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships*, opened for signature 17 February 1978, (1978) 17 ILM 246 (entered into force 2 October 1983)).
- 1974 *Nordic Convention on the Protection of the Environment*, opened for signature 19 February 1974, (1974) 13 ILM 511 (entered into force 5 October 1976).
- 1976 *Convention for the Protection of the Mediterranean Sea Against Pollution*, opened for signature 16 February 1976, 1102 UNTS 44 (entered into force 12 February 1978).

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- 1976 *Convention on the Protection of the Rhine Against Pollution by Chlorides*, opened for signature 3 December 1976, (1977) 16 ILM 265 (entered into force 5 July 1985).
- 1977 *Treaty Concerning the Construction and Operation of the Gabčíkovo-Nagymaros System of Locks*, opened for signature 16 September 1977, (1993) 32 ILM 1247 (entered into force 30 June 1978).
- 1978 *Protocol Relating to the International Convention for the Prevention of Pollution from Ships 1973*, opened for signature 17 February 1978, 1340 UNTS 61 (entered into force 2 October 1983).
- Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries*, opened for signature 24 October 1978, 1135 UNTS 369 (entered into force 1 January 1979).
- 1979 *Convention on Long-Range Transboundary Air Pollution*, opened for signature 13 November 1979, 1302 UNTS 218 (entered into force 16 March 1983).
- Convention on the Conservation of Migratory Species of Wild Animals*, opened for signature 23 June 1979, (1980) 19 ILM 15 (entered into force 1 November 1983).
- 1980 *Convention on the Conservation of Antarctic Marine Living Resources*, opened for signature 20 May 1980, 1329 UNTS 48 (entered into force 7 April 1982).
- Convention on the Physical Protection of Nuclear Material*, opened for signature 3 March 1980, 1456 UNTS 124 (entered into force 8 February 1987).
- 1982 *African Charter on Human and Peoples' Rights*, opened for signature 27 June 1981, (1982) 21 ILM 58 (entered into force 21 October 1986).
- Manila Declaration on the Peaceful Settlement of International Disputes*, GA Res 37/10, UN Doc A/RES/37/10 (1982).
- United Nations Convention on the Law of the Sea*, opened for signature 10 December 1982, 1833 UNTS 397 (entered into force 16 November 1994).
- World Charter for Nature*, GA Res 37/7, UN Doc A/37/51 (1982).
- 1985 *South Pacific Nuclear Free Zone Treaty*, opened for signature 6 August 1985, (1985) 24 ILM 1442 (entered into force 11 December 1986).
- Vienna Convention for the Protection of the Ozone Layer*, opened for signature 22 March 1985, 1513 UNTS 324 (entered into force 22 September 1988).
- 1986 *Protocol I to the South Pacific Nuclear Free Zone Treaty*, opened for signature 8 August 1986, [1986] ATS 32 (entered into force 20 September 1996).
- 1987 *Montreal Protocol on Substances that Deplete the Ozone Layer*, opened for signature 16 September 1987, 1522 UNTS 29 (entered into force 1 January 1989).

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- 1988 *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights*, opened for signature 17 November 1988, OAS TS No 69 (1988) (entered into force 16 November 1999).
- Convention on the Regulation of Antarctic Mineral Resource Activities*, opened for signature 2 June 1988, (1988) 27 ILM 868 (not in force).
- 1989 *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*, opened for signature 22 March 1989, 1673 UNTS 126 (entered into force 24 May 1992).
- Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 November 1990).
- 1991 *Convention on Environmental Impact Assessment in a Transboundary Context*, opened for signature 25 February 1991, (1991) 30 ILM 802 (entered into force 10 September 1997).
- Protocol on Environmental Protection to the Antarctic Treaty*, opened for signature 4 October 1991, (1991) 30 ILM 1461 (entered into force 14 January 1998).
- 1992 *Agenda 21*, UN Doc A/CONF.151/26/Rev.1 (1992).
- Agreement on the Statute of the Central American Court of Justice*, opened for signature 10 December 1992, (1995) 34 ILM 921 (entered into force 2 February 1994).
- Convention for the Protection of the Marine Environment of the North-East Atlantic*, opened for signature 22 September 1992, (1992) 32 ILM 1069 (entered into force 25 March 1998).
- Convention on Biological Diversity*, opened for signature 5 June 1992, 1760 UNTS 143 (entered into force 29 December 1993).
- Convention on the Protection and Use of Transboundary Waters and International Lakes*, opened for signature 17 March 1992, (1992) 31 ILM 1312 (entered into force 6 October 1996).
- Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region*, opened for signature 9 July 1992, (1993) 32 ILM 136 (entered into force 20 May 1993).
- UNECE Convention on the Transboundary Effects of Industrial Accidents*, opened for signature 17 March 1992, (1992) 31 ILM 1330 (entered into force 19 April 2000).
- United Nations Declaration on Environment and Development*, UN Doc A/CONF.151/5/Rev.1 (1992).
- United Nations Framework Convention on Climate Change*, opened for signature 9 May 1992, 1771 UNTS 165 (entered into force 21 March 1994).

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- North American Free Trade Agreement*, opened for signature 17 December 1992, (1993) 32 ILM 289 and (1993) 32 ILM 605 (entered into force 1 January 1994).
- 1993 *Convention for the Conservation of Southern Bluefin Tuna*, opened for signature 10 May 1993, 1819 UNTS 359 (entered into force 20 May 1994).
- FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas*, opened for signature 24 November 1993, (1993) 33 ILM 968 (entered into force 1 October 2004).
- North American Agreement on Environmental Cooperation*, opened for signature 8 September 1993, (1993) 32 ILM 1480 (entered into force 1 January 1994).
- Settlement of the Case in the ICJ Concerning Certain Phosphate Lands in Nauru*, opened for signature 10 August 1993, (1993) 32 ILM 1471 (entered into force 10 August 1993).
- Special Agreement between the Republic of Hungary and the Slovak Republic for Submission to the International Court of Justice of the Differences between them concerning the Gabčíkovo-Nagymaros Project*, opened for signature 7 April 1993, (1993) 32 ILM 1293 (entered into force 28 June 1993).
- Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment*, opened for signature 21 June 1993, 32 ILM 1228 (1993) (not in force).
- 1994 *Convention for the Conservation and Management of Pollock Resources in the Central Bering Sea*, opened for signature 16 June 1994, (1994) 34 ILM 67 (entered into force 8 December 1995).
- Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa*, opened for signature 14 October 1994, 1954 UNTS 108 (entered into force 26 December 1996).
- Declaration of Canada Recognising as Compulsory the Jurisdiction of the ICJ* (1994)
<<http://www.icj-cij.org/icjwww/ibasicdocuments/ibasictext/ibasicdeclarations.htm>>
at 1 July 2005.
- GATT Ministerial Decision on Trade and Environment* (1994), (1994) 33 ILM 1267 (GATT Ministerial Decision).
- General Agreement on Tariffs and Trade (Marrakesh Agreement Establishing the World Trade Organisation)*, opened for signature 15 April 1994, 1869 UNTS 190, annex 1A (entered into force 1 January 1995).
- Marrakesh Agreement Establishing the World Trade Organisation*, opened for signature 15 April 1994, 1869 UNTS 190 (entered into force 1 January 1995).

- Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Further Reduction of Sulphur Emissions*, opened for signature 14 June 1994, (1998) 33 ILM 1540 (entered into force 5 August 1998).
- Sanitary and Phytosanitary Agreement (Marrakesh Agreement Establishing the World Trade Organisation)*, opened for signature 15 April 1994, 1869 UNTS 190, annex 1A (entered into force 1 January 1995)).
- Understanding on Rules and Procedures Governing the Settlement of Disputes in the WTO (Marrakesh Agreement Establishing the World Trade Organisation)*, opened for signature 15 April 1994, 1869 UNTS 190 (entered into force 1 January 1995) annex 2).
- 1995 *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*, opened for signature 4 December 1995, (1995) 34 ILM 1542 (entered into force 11 December 2001).
- 1996 *Convention on Cooperation for the Protection and Sustainable Use of the Danube*, opened for signature 29 June 1994, (1996) 19 *International Environment Reports* 997 (entered into force 22 October 1998).
- Declaration of Malta Recognising as Compulsory the Jurisdiction of the ICJ* (1996)
<<http://www.icj-cij.org/icjwww/ibasicdocuments/ibasictext/ibasicdeclarations.htm>>
at 1 July 2005.
- Declaration of Poland Recognising as Compulsory the Jurisdiction of the ICJ* (1996)
<<http://www.icj-cij.org/icjwww/ibasicdocuments/ibasictext/ibasicdeclarations.htm>>
at 1 July 2005.
- Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter*, opened for signature 7 November 1996, (1997) 36 ILM 1 (not in force).
- 1997 *Kyoto Protocol to the United Nations Framework Convention on Climate Change*, opened for signature 11 December 1997, (1998) 37 ILM 22 (entered into force 16 February 2005).
- Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Act*, opened for signature 2 October 1997, (1998) 37 ILM 56 (entered into force 1 May 1999).
- United Nations Convention on the Law of Non-Navigational Uses of International Watercourses*, opened for signature 21 May 1997, (1997) 36 ILM 700 (not in force).
- 1998 *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights*, opened for signature 17 November

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- 1998, [1998] OAS TS 69 (entered into force 16 November 1999)
- Convention for the Protection of the Environment through Criminal Law*, opened for signature 11 April 1998, (1999) 38 ILM 259 (not in force).
- Convention on Access to Information, Public Participation and Decision-Making and Access to Justice in Environmental Matters*, opened for signature 25 June 1998, (1999) 38 ILM 517 (entered into force 30 October 2001).
- Convention on the Protection of the Rhine*, opened for signature 22 January 1998, OJ L289 (entered into force 16 November 2000).
- Rome Statute of the International Criminal Court*, opened for signature 17 July 1998, 2187 UNTS 90 (entered into force 1 July 2002).
- 1999 *Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes*, opened for signature 17 June 1999, <<http://www.unece.org/env/water>> at 1 July 2005 (not in force).
- 2000 *Cartegena Protocol on Biosafety to the Convention on Biological Diversity*, opened for signature 29 June 2000, (2000) 39 ILM 1027 (entered into force 11 September 2003).
- Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*, opened for signature 5 September 2000, (2001) 40 ILM 277 (not in force).
- 2001 *Articles on Responsibility of States for Internationally Wrongful Acts, Report of the International Law Commission, 53rd Session, UN Doc A/56/10 (2001)* (noted in GA Res 56/83, UN Doc A/RES/56/83 (2001)).
- Draft Articles on the Prevention of Transboundary Harm from Hazardous Activities, Report of the International Law Commission, 53rd Session, UN Doc A/56/10 (2001)*.
- Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean*, opened for signature 20 April 2001, (2002) 41 ILM 257 (entered into force 13 April 2003).
- 2002 *ASEAN Agreement on Transboundary Haze Pollution*, opened for signature 20 June 2002, <http://www.aseansec.org/pdf/agr_haze.pdf> at 1 July 2005 (entered into force 25 November 2003).
- Consolidated Version of the Treaty Establishing the European Community*, [2002] OJ C 325, 33.
- Draft Comprehensive Convention on Terrorism, Report of the Ad Hoc Committee Established by General Assembly Resolution 51/210 of 17 December 1996, UN Doc A/57/37 (2002)*.
- Draft Protocol on Civil Liability to the 1992 Convention on the Protection and Use of Transboundary Waters and International Lakes*, UN Doc

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Plan of Implementation of the World Summit on Sustainable Development, UN Doc A/CONF.199/20 (2002).

2004 *Draft Principles on the Allocation of Loss in the Case of Transboundary Harm Arising out of Hazardous Activities, Report of the International Law Commission, 56th Session*, UN Doc A/59/10 (2004).

2005 *Settlement Agreement in the Case Concerning Land Reclamation by Singapore in and Around the Straits of Johor*, opened for signature 26 April 2005, <http://app.mfa.gov.sg/internet/press/view_press_print.asp?post_id=1327> at 1 July 2005 (date of entry into force unknown).