

THE EXPORT OF HAZARDOUS INDUSTRIES

Protecting Human Rights from Environmental Harm Through Home States' Extraterritorial Obligations

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ABSTRACT

The export of hazardous industries constitutes a phenomenon whereby different environmental and safety standards at the national level and a lack of harmonization at the international level have created a permissive setting for TNCs to transfer industrial activities characterized by high risks of harm to developing countries, while powerless individuals and communities bear the brunt of environmental and human rights damage.

This thesis seeks for a solution, within the international legal order, to effectively protect individuals from business-related harm and, to that end, concentrates on the extent to which international law offers the possibility of recognizing home States extraterritorial obligations.

Following an extensive analysis of the concept of due diligence within International Environmental Law, the concept of diagonal environmental rights is unveiled, and further incorporated into the realm of International Human Rights Law, in consideration of the interpretations, so far undertaken by treaty bodies, regarding the scope of human rights.

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I dedicate this thesis to my sister, as a homage to the avatarian love that unites us.

Acronyms

BIT - Bilateral Investment Treaty

CDDH - Council of Europe Steering Committee for Human Rights

ECA - Export Credit Agencies

ECGD - UK Export Credits Guarantee Department

ECHR - European Convention of Human Rights

ECtHR - European Court of Human Rights

EIA - Environmental Impact Assessment

FDI - Foreign Direct Investment

HRC - Human Rights Committee

IACHR - Inter-American Commission on Human Rights

ICCPR - International Covenant on Civil and Political Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

ICJ - International Court of Justice

ILC - International Law Commission

NAAEC - North American Agreement on Environmental Cooperation

NAFTA - North American Free Trade Agreement

NATO - North Atlantic Treaty Organization

NGO - Non Governmental Organization

OECD - Organization for Economic Co-operation and Development

TNC - Transnational Corporation

UN - United Nations

UNCTAD - United Nations Conference on Trade and Development

UNHRC - United Nations Human Rights Council

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