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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