

International Environmental Law WS 2023/24

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Case Law

International Court of Justice

ICJ, *Corfu Channel Case* (United Kingdom v. Albania), Judgment of 9 April 1949, ICJ Reports 1949, 4-169.

ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, ICJ Reports (1996), 226 et seq.

ICJ, *Case Concerning the Gabčíkovo-Nagymaros-Project* (Hungary v. Slovakia), Judgment of 25 September, ICJ Reports 1997, 7-84.

ICJ, *Pulp Mills on the River Uruguay* (Argentina v. Uruguay), Judgment of 20 April 2010, ICJ Reports 2010, 14-107.

ICJ, *Whaling in the Antarctic* (Australia v. Japan: New Zealand intervening), Judgment of 31 March 2014, ICJ Reports 2014, 226-300.

ICJ, *Certain Activities Carried out by Nicaragua in the Border Area* (Costa Rica v. Nicaragua), Judgment of 16 December 2015, ICJ Reports 2015, 665-742.

ICJ, *Certain Activities Carried Out by Nicaragua in the Border Area* (Costa Rica v. Nicaragua), **Compensation**, Judgment of 2 February 2018, ICJ Reports 2018, 15.

ICJ, *Armed Activities on the Territory of the Congo* (Congo v. Uganda), Judgment on **Reparations** of 9 February 2022.

Resolution adopted by the General Assembly on 29 March 2023, Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, 04 April 2023, UNGA A/Res/77/276 (pending).

Arbitral Tribunals

Award between the United States and the United Kingdom relating to the rights of jurisdiction of United States in the Bering's sea and the preservation of fur seals (*Fur Seals Arbitration*), 15 August 1893, Reports of International Arbitral Awards, Volume XXVIII, pp. 263-276.

Trail Smelter case (United States v. Canada), 16 April 1938 and 11 March 1941, Reports of International Arbitral Awards, Volume III, pp. 1905-1982.

Affaire du lac Lanoux (Spain v. France), 16 November 1957, Reports of International Arbitral Awards, Volume XII, pp. 281-317.

Permanent Court of Arbitration, *The South China Sea Arbitration* (The Republic of Philippines v. The People's Republic of China), Case No. 2013–19.

Nagorny Karabagh arbitration filed by Azerbaijan against Armenia for widespread environmental destruction, 19 January 2023 (filed)
(environmental damage during armed conflict, first-ever interstate arbitration under the 1982 Bern Convention on the Conservation of European Wildlife and Natural Habitats).

Rockhopper Exploration Plc, Rockhopper Italia S.p.A. and Rockhopper Mediterranean Ltd v. Italian Republic (*Rockhopper v. Italy*), ICSID Case No. ARB/17/14 (award 23 August 2022) (offshore oil exploitation).

European Court of Human Rights

ECtHR, *Guerra and Others v. Italy*, No. 116/1996/735/932, Judgment of 19 February 1998.

ECtHR, Grand Chamber, *Hatton and Others v. The United Kingdom*, No. 36022/97, Judgement of 8 July 2003.

ECtHR, *Dubetska and Others v. Ukraine*, No. 30499/03, Judgment of 10 February 2011.

ECtHR, *Cordella and Others v. Italy*, No. 54414/13 and 54264/15, Judgment of 24 January 2019.

ECtHR, *Duarte and Others v. Portugal and Others*, No. 39371/20 (pending).

ECtHR, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, No. 53600/20 (pending).

ECtHR, *Carême v. France*, No. 7189/21 (pending)

Inter-American Court of Human Rights

IACtHR, *The Environment and Human Rights*, Advisory Opinion OC-23/17, 15 November 2017.

Request for an Advisory Opinion on Climate Emergency and Human Rights to the IACtHR of 9 January 2023 (pending).

Human Rights Committee

UN Human Rights Committee, *Teitiota v. New Zealand*, Decision of 23 September 2020 (UN Doc. CCPR/C/127/D/2728/2016)

UN Human Rights Committee, *Daniel Billy and others (Torres Strait Islanders) v. Australia*, Decision of 22 September 2022 (UN Doc. CCPR/C/135/D/3624/2019)

Committee on the Rights of the Child

Committee on the Rights of the Child, *Sacchi et al. v. Argentina*, Decision of 22 September 2021, CRC/C/88/D/104/2019.

International Tribunal for the Law of the Sea

ITLOS (Seabed Disputes Chamber), *Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area*, Case No. 17, Advisory Opinion, 1 February 2011, ITLOS Reports 2011, p. 10-78.

Request for an Advisory Opinion from the Commission of Small Island States on Climate Change and International Law (12 December 2022).

WTO Cases

WTO Appellate Body Report, *EC Measures Concerning Meat and Meat Products (Hormones)*, 16 January 1998, AB-1997-4, WT/DS26/AB/R, WT/DS48/AB/R.

WTO Appellate Body Report, *U.S. Import Prohibition of Certain Shrimp and Shrimp Products*, 12 October 1998, AB-1998-4, WT/DS58/AB/R.

GATT panel, *United States – Restrictions on the Imports of Tuna (Mexico) [“Tuna I”]*, not adopted, report circulated on 3 September 1991 (DS21/R - 39S/155).

GATT panel, *United States – Restrictions on the Imports of Tuna (EEC) [“Tuna II”]*, report not adopted, circulated on 20 May 1994 (DS29/R).

The Tuna III case

- WTO Panel Report, *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (Tuna III)*, 15 September 2011, WT/DS381/R.
- WTO Appellate Body Report, *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (Tuna III)*, 16 May 2012, WT/DS381/AB/R.
- WTO Compliance Proceedings, *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (Tuna III)*, 11 January 2019, WT/DS381.

Seal Products case

WTO Panel Report, *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products*, 25 November 2013, WT/DS400/R and WT/DS401/R.

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Constitutional Court of Colombia, *The Atrato River Case*, Judgment of 10 November 2016, T-622/16.

Dutch Supreme Court (Hoge Rad), *Ministry of Economic Affairs and Climate Policy v. Stichting Urgenda*, Ruling of 20 December 2019, No. 19/00135.

England and Wales Court of Appeal (EWCA), *Plan B Earth v. Secretary of State for Transport*, 27 February 2020, EWCA Civ 214.

Federal Constitutional Court of Germany, *Climate case*, Order of the First Senate of 24 March 2021, 1 BvR 2656/18.

The Hague District Court, *Milieudefensie and Others v. Royal Dutch Shell*, Judgment of 26 May 2021, ECLI:NL:RBDHA:2021:5339.

Constitutional Court of Ecuador, *Mona Estrellita*, Judgment of 27 January 2022, No. 253-20-JH/22.

Montana First Judicial District Court, Lewis and Clark County, Rikki Held et al. v. State of Montana (*Held et al v. Montana*), Cause No CDW-2020-307 (14 August 2023)