



## 经济及社会理事会

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人权委员会  
第六十届会议  
议程项目 10

### 经济、社会和文化权利

2004年3月3日大不列颠及北爱尔兰联合王国

常驻联合国日内瓦办事处代表团致

人权事务代理高级专员的普通照会

大不列颠及北爱尔兰联合王国常驻代表团向人权事务代理高级专员致意，并谨通过代理高级专员转递联合王国就非法运输和倾倒有毒和危险产品及废料对享受人权的不良影响问题特别报告员的询问提出的答复，询问载于报告员提交人权委员会第六十届会议的报告(E/CN.4/2004/46/Add.1)中。

特别报告员的报告作了更正(E/CN.4/2004/46/Add.1/Corr.1)之后，大不列颠及北爱尔兰联合王国常驻代表团要求翻译本照会，并将随照会附上的答复作为附件<sup>\*</sup>，一并作为人权委员会的正式文件散发。

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<sup>\*</sup> 附件不译，原文照发。

Annex



From the Ambassador and Permanent Representative

United Kingdom Mission

4 March 2004

To the Office of the  
United Nations and Other  
International Organisations at Geneva  
37-39 rue de Vermont  
1211 Geneva 20  
Telephone: 022 918 2358  
Facsimile: 022 918 2377

Mrs Fatma Zohra Ouhachi-Vesely  
Special Rapporteur on the Adverse effects of the illicit  
movement and dumping of toxic and dangerous products  
and wastes on the enjoyment of human rights.

*Fatma Zohra Ouhachi-Vesely*

Thank you for your letter that we received in January 2004 on the Baku-Tbilisi-Ceyhan (BTC) pipeline and the impact of the Host Government Agreement (HGA) on human rights. We agree that it is important that the BTC pipeline is built and operated to the highest standards, including human rights and the environment.

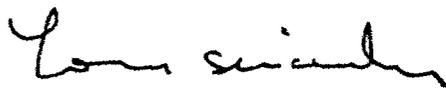
Your letter notes that the project is excluded from certain important regulations by the State. Having consulted officials from various parts of the British Government, I can confirm that the project is in line with Turkish legislation and that the only circumstances under which it would be excluded from this is when Turkish legislation is more stringent than the project's own requirements, which themselves are in line with (evolving) EU legislation. The United Kingdom's Export Credits Guarantee Department (ECGD), in their due diligence assessment of the environmental, social and human rights aspects of the BTC, concluded that this is unlikely.

Specifically, the "Human Rights Undertaking" on this project (a legally binding document issued by the BTC Consortium, following discussions with Amnesty International) performs the following roles:

- Protects the right of the three Host Governments (the Republic of Azerbaijan, Georgia and the Republic of Turkey) to regulate in the areas of human rights, health, safety and the environment (including in times where the threat to the environment is **not** "imminent and material" providing that this does not exceed EU legislation, as above) without fear of claims by the BTC consortium that such regulation is a breach of the Host Government Agreement.
- Clarifies that the standards in the Host Government Agreements are not frozen as of the time the project agreements were signed, but are instead dynamic and will move over time as EU directives, EU standards, or international treaty standards evolve.

- Protects the right of third parties injured by the BTC project to bring claims in domestic courts without fear that the BTC consortium would argue that domestic courts do not have jurisdiction to hear such claims.
- Protects the three Host Governments from fear of paying compensation to restore the "economic equilibrium" of the BTC project as a result of legislation, or other action or inaction, reasonably required by international human rights, labour or health and safety standards, including evolutions of these.

I trust that the above fully answers your concerns. Please do not hesitate to let me know if there is further information that I can provide.



Nick Thorne