



International Environmental Law

- What is it?
- How does it relate to this class?
 - Asking the right questions



Why are we here?

- The Development of Global Environmental Regimes
 - issue definition
 - fact-finding
 - bargaining on regime
 - regime strengthening
 - *convention-protocol approach*



What issues have been identified?

- Ten Environmental Regimes
 - A. Transboundary Air Pollution
 - B. Ozone depletion
 - C. Whaling
 - D. Trade in Ivory from African Elephants
 - E. International Toxic Waste Trade
 - F. The Antarctic Environment
 - G. Climate Change
 - Mock UN Summit
 - H. Biodiversity Loss
 - I. Desertification
 - J. Straddling and Highly Migratory Fish Stocks
 - Fishbanks Game



Who is involved?

- Nation-state actors: Costs and Benefits to States depend on the energy culture
 - States relatively dependent on imported energy and have learned to maintain high living standard while reducing fossil fuel use
 - States that have large supplies of cheap energy resources and have a culture of highly inefficient energy use
 - States that have highly dependent on fossil fuel exports for income
- Swing States: Japan
- Supporting States: UK
- Lead states: Norway, Sweden, Finland, the Netherlands, EU
- Veto/ Blocking States: US, Russia, China, India, Brazil



What role do NGO's play??

- Non-governmental organizations
 - influence the global environmental agenda by defining a new issue or redefining an old one
 - lobby or pressure their own or other governments to accept a more advanced position toward an issue, by advancing new proposals, bringing lawsuits
 - propose entire draft texts of conventions in advance of conferences
 - lobby and participate in international negotiations
 - monitor the implementation of conventions and report to the secretariat and/ or the parties.



What role do corporations play?

- Corporations
 - shape the definition of the issue under negotiation in a way that is favorable to their interests
 - persuade an individual gov. to adopt a particular position on a regime being negotiated by lobbying it in its capital
 - lobby delegations to the negotiating conference on the regime



What are the key International Environmental Law principles for the Climate Change Regime?

- Sovereignty
- Polluter and User Pays
- Right to Development
- Common But Differentiated Responsibilities
- Precautionary Principle



What are the problems?

- Rules are sketchy
- No one is really in charge
- Negotiation process is unregulated
- There is no central authority to manage the process or compel compliance



What are the solutions?

- Protocol must put in place a system of reporting, verifying, monitoring, and enforcement.
- Parties must agree on much more stringent targets and timetables for greenhouse gas reductions.
- Parties must reach agreement on detailed rules for emissions trading that will put a cap on the percentage of total emissions reductions that can be obtained through trading.
- Parties must agree on a way to phase in commitments by the developing countries to control the growth of greenhouse gases.



To consider...

- What role has the US had in the effectiveness of this regime?
 - Failure by the United States to ratify the Kyoto Protocol would mean that it will never enter into force. Domestic political opposition in the US to assuming any emissions reductions obligations must be decisively overcome to allow the climate regime to survive.
- What obligations do developing nations have in light of the principle of common but differentiated responsibilities?
 - North-South split



To consider...

How can the overall convention-protocol approach be improved and how can your role-playing reflect these methods?

- The Salzburg Initiative



The Salzburg Initiative

- Expand the roles for nongovernmental interests
- Reinforce a better balance between science and politics
- Encourage issue linkage
- Encourage the media to play a more educative role